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THE
Parliamentary Debates

FROM

22731

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF

T. C. HANSARD.

VOL. VI.

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FROM

THE TWENTY-FIRST DAY OF JANUARY

TO

THE SIXTH DAY OF MAY

1806.

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HOUSE OF COMMONS

ADVERTISEMENT.

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Cabinet Ministers.

Earl Camden	-	-	-	-	-	President of the council.
Lord Eldon	-	-	-	-	-	Lord high chancellor.
Earl of Westmoreland	-	-	-	-	-	Lord privy seal.
Right hon. William Pitt	-	-	-	-	-	First lord of the treasury and chance exchequer (prime minister).
Lord Barham	-	-	-	-	-	First lord of the admiralty.
Earl of Chatham	-	-	-	-	-	Master-general of the ordnance.
Lord Hawkesbury	-	-	-	-	-	Secretary of state for the home depart
Lord Mulgrave	-	-	-	-	-	Secretary of state for foreign affairs.
Lord viscount Castlereagh	-	-	-	-	-	Secretary of state for the department the colonies; and president of the bo troul for the affairs of India.
Lord Harrowby	-	-	-	-	-	Chancellor of the duchy of Lancaster.

Not of the Cabinet.

Right hon. William Dundas	-	-	-	-	-	Secretary at war.
Right hon. George Canning	-	-	-	-	-	Treasurer of the navy.
Right hon. George Rose	-	-	-	-	-	} Joint paymasters of his majesty's force
Right hon. lord Charles Somerset	-	-	-	-	-	
The duke of Montrose	-	-	-	-	-	} Joint paymasters-general.
Lord Charles Spencer	-	-	-	-	-	
William Huskisson, esq.	-	-	-	-	-	} Secretaries of the treasury.
W. Sturges Bourne, esq.	-	-	-	-	-	
Sir William Grant	-	-	-	-	-	Master of the rolls.
Hon. Spencer Perceval	-	-	-	-	-	Attorney-general.
Sir Vicary Gibbs	-	-	-	-	-	Solicitor-general.

PERSONS IN THE MINISTRY OF IRELAND.

Earl of Hardwicke	-	-	-	-	-	Lord lieutenant.
Lord Redesdale	-	-	-	-	-	Lord high chancellor.
Right hon. Charles Long	-	-	-	-	-	Chief secretary.
Right hon. John Foster	-	-	-	-	-	Chancellor of the exchequer.

LIST OF HIS MAJESTY'S MINISTERS AS IT STOOD IN APRIL, 1806

Cabinet Ministers.

Earl Fitzwilliam	-	-	-	-	-	President of the council.
Lord Erskine	-	-	-	-	-	Lord high chancellor.
Viscount Sidmouth	-	-	-	-	-	Lord privy seal.
Lord Grenville	-	-	-	-	-	First lord of the treasury (prime min
Lord Howick (late Mr. Grey)	-	-	-	-	-	First lord of the admiralty.
Earl of Moira	-	-	-	-	-	Master-general of the ordnance.
Earl Spencer	-	-	-	-	-	Secretary of state for the home depart
Right hon. Charles James Fox	-	-	-	-	-	Secretary of state for foreign affairs.
Right hon. William Windham	-	-	-	-	-	Secretary of state for the department the colonies.
Lord Ellenborough	-	-	-	-	-	Lord chief justice of the court of King
Lord Henry Petty	-	-	-	-	-	Chancellor and under-treasurer of the

Not of the Cabinet.

Lord Minto	-	-	-	-	-	President of the board of controul for India.
Earl of Derby	-	-	-	-	-	Chancellor of the duchy of Lancaster
Lord Auckland	-	-	-	-	-	President of the board of trade.
Right hon. Richard Fitzpatrick	-	-	-	-	-	Secretary at war.
Right hon. Richard Brinsley Sheridan	-	-	-	-	-	Treasurer of the navy.
Earl Temple	-	-	-	-	-	} Joint paymasters-general.
Lord John Townshend	-	-	-	-	-	
Earl of Buckinghamshire	-	-	-	-	-	} Joint postmasters-general.
Earl of Carysfort	-	-	-	-	-	
Right hon. Nicholas Vansittart	-	-	-	-	-	} Secretaries of the treasury.
John King, esq	-	-	-	-	-	
Sir William Grant	-	-	-	-	-	Master of the rolls.
Sir Arthur Pigott	-	-	-	-	-	Attorney-general.
Sir Samuel Romilly	-	-	-	-	-	Solicitor-general.

PERSONS IN THE MINISTRY OF IRELAND.

Duke of Bedford	-	-	-	-	-	Lord lieutenant.
Right h n. George Ponsonby	-	-	-	-	-	Lord high chancellor.
Right hon. William Elliott	-	-	-	-	-	Chief secretary.
Right hon. sir John Newport	-	-	-	-	-	Chancellor of the exchequer.

AN ALPHABETICAL LIST OF THE HOUSE OF COMMONS,

As it stood in the Month of April, 1806.

Abbot, rt. hon. Charles, Speaker, Woodstock
Abercrombie, hn. George, Edinburgh
Acheson, visct. Armaghshire
Adair, Robert, Camelford
Adams, Chas. Weymouth, &c.
Adams, James, Harwich
Adams, William, Totness
Addington, rt. hon. Jn. Hiley, Harwich
Ainslie, R. Sharpe, St. Michael
Alexander, Boyd, Glasgow
Alexander, Henry, Old Sarum
Allan, Alexander, Berwick
Althorp, visct. Okehampton
Amyatt, James, Southampton
Anderson, sir John Wm. bart. London
Andover, viscount, Arundel
Andrews, Miles Peter, Bewdley
Annesley, Francis, Reading
Anson, George, Lichfield
Antonic, Wm. Lee, Bedford
Archdall, M. jun. Fermanaghsh.
Archdall, Richard, Dundalk
Ashley, hn. Cropley, Dorchester
Asley, sir Jacob Henry, bart. Norfolk
Atkins, John, Arundel
Aubrey, sir Jn. bart. Aldeburgh
Babington, Thomas, Leicester
Bagwell, Jn. Tipperary
Bagwell, Wm. Clonmell
Bagnell, Waiter, Catherlogh county
Baillie, Evan, Bristol
Baillie, Geo. jun. Berwickshire
Baker, John, Canterbury
Baker, Pet. Wm. Wootton Bassett
Baker, Wm. Hertfordshire
Baldwin, Wm. Westbury
Bampfylde, sir Ch. W. bt. Exeter
Banks, Henry, Cerff Castle
Barclay, George, Bridport
Barclay, sir Rt. bt. Newton, Hants.
Barham, Jos. Foster, Stockbridge
Baring, sir Francis, bart. Wycombe, Chipping
Barlow, Hugh, Pembroke
Barne, Snowdon, Dunwich
Bastard, Edmund, Dartmouth
Bastard, Jn. Pollexfen, Devonsh.
Bathurst, rt. hon. Cha. Bristol
Beach, Mich. Hicks, Cirencester
Beaumont, Tho. Rd. Northumberland
Bennet, R. H. A. Launceston
Benson, Richard, Pontefract
Beresford, M. Geo. T. London-derry county
Beresford, Jn. C. Waterford co.

Bekeley, hon. Geo. Cranfield, Gloucestershire
Bernard, Tho. King's County
Bertie, Albemarle, Stamford
Best, Wm. Draper, Petersfield
Binning, lord, St. Germain
Bishopp, sir C. bt. New Shoreham
Blackburne, John, Lancashire
Blackburne, Jn. Newport, Hants
Bligh, Tho. Meath county
Bloxam, sir Mat. kt. Maidstone
Bond, rt. hon. Nath. C. rff Castle
Bootle, Edw. Wilbr. Newcastle under Line
Bouverie, hon. Ed. Northampton
Boyle, visct. Cork county
Bradshaw, hon. Aug. Cavendish, Honiton
Bradshaw, Rt. Haldane, Bracley
Brandling, Ch. J. Newcastle on Tyne
Brodie, James, Elginshire
Brodrick, hon. W. Whitchurch
Brogden, James, Launceston
Brooke, Chas. Ivelchester
Brooke, lord, Warwick
Brooke, T. Newton, Lancashire
Browne, right hon. Denis, Mayo county
Browne, F. John, Dorsetshire
Browne, Is. Hawk. Bridgenorth
Bruce, Pat. Craufurd, Evesham
Bruce, lord, Marlborough
Buller, Edward, East Looe
Buller, James, Exeter
Buller, John, East Looe
Bullock, John, Essex
Bunbury, sir T. C. ht. Suffolk
Burdon, Rowl. Durham county
Burghersh, lord, Lime Regis
Burton, Francis, Oxford city
Burton, hon. F. Nath. Clare co.
Burton, Nap. Christie, Beverley
Butler, hon. Ch. Kilkenny city
Butler, hon. Jas. Kilkenny co.
Buxton, sir Rt. John, bt. Bedwin
Byng, George, Middlesex
Calcraft, John, Wareham
Calvert, John, Huntingdon
Calvert, Nicholson, Hertford
Campbell, Alex. Anstruther
Campbell, John, Rothsay
Campbell, lord Jn. D. E. H. Argyllshire
Canning, rt. hon. Geo. Tralee
Carew, rt. hon. Reg. P. Fowey
Cartwright, W. R. Northamptonshire
Castlereagh, visct. Boroughbridge
Cavendish, lord Geo. Aug. Hen. Derbyshire
Cavendish, Wm. Aylsbury
Caulfield, hon. H. Armagh co.

Chaplin, Chas. Lincolnshire
Ches. er, Chas. Castle-Rising
Chichester, lord Spencer Stan-ley, Carnarfergus
Chinnery, sir B. bart. Bandon-bridge
Cholmondeley, Tho. Cheshire
Chute, William, Hampshire
Clements, hon. J. Leicestershire
Clephane, David, Kinross-shire
Clive, hon. Robert, Ludlow
Clive, Wm. Bishop's Castle
Cochrane, hon. sir Alex. Forrester, Dumfermlin, &c.
Cockerell, Charles, Tregony
Cocks, hon. Philip Jas. Ryegate
Coddington, Chris. Tewkesbury
Coke, D. Parker, Nottingham
Coke, Edward, Derby
Coke, Thos. Wm. Norfolk
Colborne, Nic. W. Ridley, Blichingley
Cole, hon. G. L. Fermanaghsh.
Combe, Harv. Chris. London
Cooke, Bryan, Malton
Cooper, Josh. Ed. Sligo county
Cornwall, sir Geo. A. bt. Herefordshire
Cornwallis, James, Eye
Cornwallis, hon. Wm. Eye
Corry, rt. hon. Isaac, Newry
Courtenay, John, Appleby
Cowier, hon. Edw. Spencer, Hertford
Cranley, visct. Guildford
Craufurd, Rt. East Retford
Creevey, Thomas, Thetford
Crosbie, Jas. Kerry county
Cunning, Geo. Fortrose
Curtis, sir Wm. bart. London
Curwen, Jn. Christian, Carlisle
Curzon, hon. Robt. Clitheroe
Cust, hon. John, Clitheroe
Dalkeith, earl of, St. Michael
Dallas, Rt. M. Kirkaldy, &c.
Daly, Denis B. Dalvayshire
Daly, James, Galway
Daniell, Ralph Allen, West Looe
Dashwood, sir H. W. bt. Woodstock
Dawkins, James, Chippenham
Dawson, Rich. Monaghan co.
De Blaquiere, lu. K. B. Down-ton
Denison, John, Colchester
Dent, John, Lancaster
Devaynes, Wm. Barnstaple
Deverell, Robert, Saltash
Dick, Quintin, West Looe
Dickins, Frs. Northamptonshire
Dickinson, Wm. Somersetshire
Dickinson, W. jun. Lestwithiel
Dickson, Wm. Selkirk

Dillon, hon. H. Aug. Mayo co.
 Dolben, sir W. bt. Oxford Univer.
 Douglas, sir G. bt. Roxburghsh.
 Douglas, marquis of, Lancaster
 Drake, Th. Tyr. Agmondesham
 Dugdale, Stratford Dugdale, War-
 wickshire
 Duigenan, Patr. Armagh
 Duncombe, Chas. Aldborough
 Dundas, Charles, Berks
 Dundas, hon. Charles Lau. Rich-
 mond
 Dundas, hon. Laurence, York
 Dundas-Saunders, hon. Rob. Edin-
 burghshire
 Dundas, rt. hn. W. Sutherlandsh.
 Duncannon, visct. Knaresboro'
 Dupré, James, Aylesbury
 Durand, Jn. Hodson, Maidstone
 Ebrington, visct. Barnstaple
 Egerton, Wm. Tatton, Cheshire
 Elford, sir Wm. bt. Plymouth
 Elliot, hon. Wm. Leskeard
 Elliot, rt. hon. Wm. Peterborough
 Ellis, Chas. Rose, Scaford
 Ellison, Richard, Lincoln
 Elphinstone-Fleeming, hon. C.
 Stirlingshire
 Erskine, hon. Dav. Montagu,
 Portsmouth
 Erskine, sir Wm. bt. Fifeshire
 Estcourt, Thomas, Criclade
 Estcourt, T. Grimst. Deizes
 Everett, Thomas, Ludgershall
 Euston, earl of, Cam. University
 Eyre, Ant. H. Nottinghamshire
 Falkner, F. J. Dublin county
 Fane, Francis, Dorchester
 Fane, Henry, Lime Regis
 Fane, John, Oxfordshire
 Farquhar, Jas. Brechin, &c.
 Fellowes, hon. Newton, Andover
 Fellowes, Robert, Norwich
 Fellowes, W. H. Huntingdon
 Ferguson, Jas. Aberdeenshire
 Ferherstone, sir T. bt. Longford co.
 Finch, hon. Edw. Cambridge
 Fitzgerald, rt. hon. Jas. Ennis
 Fitzgerald, rt. hon. M. Kerry co.
 Fitzgerald, ld. Rt. S. Kildare co.
 Fitzgerald, Rt. Un. Cork county
 Fitzharris, visct. Horsham
 Fitzhugh, Wm. Tiverton
 Fitzpatrick, rt. hon. R. Tavistoc
 Fitzroy, ld. Chas. Edmundsbury
 Fletcher, sir H. bt. Cumberland
 Foley, hon. Andrew, Droitwich
 Foley, Thomas, Droitwich
 Foljambe, F. Fer. Higham Ferrers
 Folkes, sir M. B. bt. King's Lynn
 Folkestone, visct. New Sarum
 Fonblanque, John, Camelford
 Forester, Cecil, Wenloe
 Fortescue, W. C. Louth county
 Foster, rt. hon. J. Louth county
 Fox, rt. hon. C. J. Westminster
 Francis, Philip, Appleby
 Frankland, Wm. Thirsk
 Frederick, sir John, bt. Surrey
 French, Arth. Roscommon co.
 Fuller, John, Sussex
 Fydeall, Tho. jun. Boston
 Gamon, sir Rd. bt. Winchester

Gardner, lord, Westminster
 Garland, George, Poole
 Garlies, visct. Cockermonth
 Garrow, William, Gattton
 Gascoyne, Isaac, Liverpool
 Geary, sir Wm. bart. Kent
 Gibbs, sir Vic. kt. Totness
 Giles, Dan. East Grinstead
 Glassford, Henry, Dumbarton-
 shire
 Glenbervie, lord, Hastings
 Goddard, Amb. Wiltshire
 Godfrey, Thomas, Hythe
 Golding, Edward, Plympton
 Gooch, Th. Sherlock, Suffolk
 Gower, lord G. L. Staffordshire
 Gower, Edw. Leveson, Truro
 Graham, sir Jas. bart. Ripon
 Graham, Jas. Stranraer
 Graham, Thomas, Perthshire
 Grant, Chas. Inverness-shire
 Grant, Francis, Wm. Cullen
 Grant, right hon. sir Wm. knt.
 Banffshire
 Grattan, Henry, Malton
 Greene, W. Dungaryan borough
 Gregor, Francis, Cornwall
 Grenfell, Pascoe, jun. Marlow
 Grenville, rt. hn. T. Buckingham
 Greville, hon. R. Fulk, Windsor
 Grimstone, hon. J. W. St. Alban's
 Grosvenor, Richard Erie Drax,
 Chester
 Grosvenor, Thomas, Chester
 Gunning, G. W. Hastings
 Hamilton, ld. A. Lanerkshire
 Hamilton, sir C. bt. Dunganon
 Hamilton, Hans, Dublin county
 Hamilton, sir H. Dalrymple, bt.
 Ayrshire
 Hammet, John, Taunton
 Hamond, sir A. S. bt. Ipswich
 Hardman, E. Drogheda co. & tn.
 Harrison, John, Thetford
 Hartopp, sir E. C. bt. Leicestersh.
 Harvey, Eliab, Essex
 Hawkins, sir C. bt. Grampound
 Hawthorn, C. S. Downpatrick
 Heathcote, sir G. bt. Lincolnshire
 Heathcote, John, Ripon
 Heathcote, sir W. bt. Hampshire
 Henderson, Ant. Bracley
 Henniker, lord, Rutland
 Herbert, hon. Chas. Wilton
 Hill, sir Geo. Fitz, bt. London-
 derry
 Hill, John, Shrewsbury
 Hill, sir Rich. bt. Shropshire
 Hill, hon. Wm. Shrewsbury
 Hilliard, Edward, Horsham
 Hinchinbrooke, visct. Hunting-
 donshire
 Hippisley, sir J. C. bt. Sudbury
 Hobhouse, Beni. Grampound
 Hodson, John, Wigan
 Holdsworth, A. H. Dartmouth
 Holford, G. P. Bossiney
 Holland, H. jun. Okehampton
 Holland, sir N. bt. Great Bedwin
 Honeyman, Rt. Orkneyshire
 Honeywood, Filmer, Kent
 Hope, hon. A. Linlithgowshire
 Hope, hn. C. Haddingtonshire

Hope, W. J. Dumfriesshire
 Horrocks, Samuel, Preston
 Howard, Henry, Gloucester
 Howick, visct. Northumberland
 Huddleston, John, Bridgwater
 Hughes, Wm. L. Wailingfo
 Huikes, James, Rochester
 Hume, W. H. Wicklow cou
 Huntingfield, lord, Dunwip
 Hurst, Robt. Shaftesbury
 Huskisson, Wm. Leskeard
 Hussey, Wm. New Sarum
 Hutchinson, hon. C. H. Corl
 Jaffray, John, East Retford
 Jeffery, John, Poole
 Jekyll, Joseph, Calne
 Jephson, Denham, Mallow
 Jervis, T. Yarmouth, Norf.
 Inglis, sir H. bt. Ashburton
 Jodrell, Henry, Bramber
 Johnes, Thos. Cardiganshir
 Johnstone, George, Heydoo
 Jolliffe, Hyton, Petersfield
 Jones, Th. Tynewhit, Athlon
 Jones, Walter, Coleraine
 Keane, sir Jn. bt. Youghall
 Keck, G. A. L. Leicestershire
 Keene, Whitshed, Montgom
 Kensington, ld. Haverfordw
 Ker, Rd. Gerv. Newport, H
 King, hn. E. Roscommon cou
 King, Jn. Enneskillen
 King, sir J. Dashwood, bt. C
 ping-Wycombe
 Kingston, John, Lymington
 Kirkwall, visct. Heytesbury
 Knight, Rich. Payne, Ludk
 Knox, hn. G. Trinity Col. D
 Kynaston-Powell, J. Shropsh
 Ladbroke, Robt. Winchile
 Lamb, hon. Wm. Lcominst
 Lambton, Ralph, Jn. Durha
 Langham, Jas. St. Germain
 Langston, John, Portarlugh
 Langton, W. G. Somersetsh
 Lascelles, hon. E. Northall
 Lascelles, hon. H. Yorkshir
 Latouche, D. Catherlogh co
 Latouche, Jn. jun. Dublin c
 Latouche, Pet. jun. Leitrim
 Latouche, Rt. Kildare count
 Laurence, F. Peterborough
 Lawley, sir Rt. bt. Newcas. u
 Lee, Edw. Waterford count
 Lefevre, Chas. Shaw, Readin
 Le Fleming, sir M. bt. Westm
 land
 Leigh, J. H. Marlborough
 Leigh, Robt. Holt, Wigan
 Leland, John, Stamford
 Lemon, John, Truro
 Lemon, sir Wm. bart. Corn
 Lenox, Charles, Sussex
 Leslie, Ch. P. Monaghanshi
 Leicester, Hugh, Milborne I
 Littleton, sir E. bt. Stafford
 Loftus, Wm. Tamworth
 Long, rt. hon. Chas. Wendoo
 Longfield, M. Cork city
 Lopez, sir M. M. bt. New Rom
 Lovaine, lord, Ezeraston
 Loveden, Edw. L. Shaftesbu
 Lowther, Jas. Westmorland

Lowther, John, Cumberland
 Lubbock, John, Leominster
 Lushington, sir S. bt. Penryn
 Luttrell, Jn. Pownes, Minehead
 Lydes, Wm. B. Worcestershire
 MacDonald, James, Dornoch
 Maedewall, Wm. Renfrewshire
 Mackenzie-Frazer, A. Cromar-
 tyshire
 McMahon, John, Aikborough
 Marnaghton, E. A. Antrim co.
 Madocks, W. A. Boston
 Marcus, M. D. Ludgershall
 Marwaring, G. B. Middlesex
 Matland, John, Chippingham
 Mann, sir Horace, Lt. Sandwich
 Manners, Id. C. S. Cambridgesh.
 Manners, John, Ivelchester
 Manners, Id. Rt. Scarborough
 Manners, Robert, Cambridge
 Manning, Wm. Lymington
 Markham, John, Portsmouth
 Markham, Osborne, Calne
 Masham, visct. Downton
 Martin, James, Tewkesbury
 Martin, Rich. Galway county
 Mathew, visct. Tipperary co.
 Mathews, Jn. M. D. Herefordsh.
 Maule, hon. Wm. Fife-shire
 Maxwell, Wm. jun. Wigtown-
 shire
 May, Edward, Belfast
 Meade, hon. Rt. Downshire
 Mellish, Wm. Great Grimsby
 Mellish, Philip, Plympton
 Menzies, sir T. T. bt. Abingdon
 Middleton, sir W. bt. Ipswich
 Milne, hon. Rt. bt. Durham co.
 Milnes, sir H. P. S. bt. Win-
 chester
 Milford, Id. Pembrokeshire
 Mills, Charles, Warwick
 Mills, G. Galway, Waulingford
 Mills, Wm. Coventry
 Milner, sir W. M. bart. Yerk
 Milford, Wm. Bexarston
 Moffat, Wm. Winchelsea
 Munton, hon. Ed. Stafford
 Munro, Id. Fr. Huntingdonsh.
 Montgomery, rt. hon. sir Jas. bt.
 Pembrokeshire
 Moore, Charles, Heytesbury
 More, Peter, Coventry
 Morant, C. Warwickshire
 Morgan, rt. hon. sir Chas. bt.
 Breconshire
 Morgan, Chas. Monmouthshire
 Morish, Wm. Taunton
 Morpeth, visct. Morpeth
 Morris, Edw. Newport, Cornwall
 Morris, Robt. Gloucester
 Morton, sir T. bart. Flintshire
 Mundy, E. M. Derbyshire
 Munn, rt. hon. sir E. bt. Brid-
 port
 Mure, hon. Rich. Thirsk
 Mure, Rich. Wexford
 Murren, lord, Beaumaris
 Murren, hon. T. G. Longford
 county
 Murren, rt. hon. sir John, bt.
 Wexford
 Mure, sir John, bart. Penryn

Noel, Gerard Noel, Rutland
 Norman, Rich. Bramber
 North, Dudley, Banbury
 Northey, Wm. Newport, Cornw.
 Norton, hon. J. C. Guildford
 O'Brien, sir E. bt. Clare county
 Odell, Wm. Limerick county
 O'Hara, Chas. Sligo county
 Oliver, C. S. Limerick county
 O'Neill, hon. J. R. B. Antrim co.
 Orchard, Paul, Callington
 Ord, William, Morpeth
 Ormsby, C. M. Catherlogh
 Osborne, Id. F. G. Lewis
 Osborn, John, Bedfordshire
 Ossulston, lord, Steyning
 Paget, rt. hon. sir Arthur, K. B.
 Anglesey co.
 Paget, hon. C. Milborne Port
 Paget, hon. Edw. Carnarvon
 Palk, sir Laur. bt. Devonshire
 Palk, Walter, Ashburton
 Palmer, John, Bath
 Parnell, Henry, Queen's Co.
 Parsons, rt. hon. sir Laur. bt.
 King's County
 Patten, P. Newton, Lancashire
 Patteson, John, Minehead
 Paul, James, Newton, Hants
 Paxton, sir W. bart. Carmarthen
 Pedley, John, Hindon
 Peel, sir Rt. bt. Tamworth
 Peirse, Henry, Northallerton
 Pelham, Jn. C. A. Great Grimsby
 Penn, Richard, Haslemere
 Perceval, hon. S. Northampton
 Petty, lord Henry, Cambridge
 University
 Phipps, hon. Edm. Scarborough
 Pierrepont, hon. C. H. Notting-
 hamshire
 Pigot, sir Arthur, bart. Steyning
 Pitt, Wm. Morton, Dorsetshire
 Plumer, Wm. Herefordshire
 Pocock, Geo. Bridgewater
 Pole, sir C. M. bt. Newark
 Pole, hon. W. W. Queen's County
 Ponsonby, rt. hon. G. Wicklow-
 shire
 Ponsonby, hon. George, Kil-
 kennyshire
 Porcher, J. Dupré, Bodmyn
 Porchester, lord, Criclade
 Porter, George, Stockbridge
 Portman, E. B. Boroughbridge
 Poyntz, Wm. Steph. St. Alban's
 Pried, Wm. St. Ives
 Preston, sir Rt. bt. Cirencester
 Price, sir Chas. bt. London
 Price, Rich. New Radnor
 Prinsep, John, Queenborough
 Primrose, visct. Hellestone
 Proby, visct. Buckingham
 Pulteney, sir J. bt. Weymouth
 Pym, Francis, Bedfordshire
 Pytches, John, Sudbury
 Raice, Jonathan, St. Ives
 Ram, Abel, Wexford county
 Rendlesham, Id. Castle-Rising
 Ridley, sir N. White, Lt. New-
 castle on Tyne
 Roberts, Abram, Worcester
 Robinson, Jn. Bishop's Castle

Robson, Rd. Bateman, Honiton
 Rochford, G. Westmeath county
 Romilly, sir Sam. bart. Queens-
 borough
 Rose, rt. hon. Geo. Christchurch
 Rose, G. H. Southampton
 Ross, sir C. bt. Ross-shire
 Russell, Matth. Saltash
 Russell, lord Wm. Surrey
 Rutherford, Jn. Selkirkshire
 Ryder, hon. Rd. Tiverton
 St. John, Ambrose, Callington
 Salisbury, sir Rt. bt. Brecon
 Sargent, John, Bodmyn
 Savage, Francis, Down county
 Savile, Christopher, Heydon
 Saunderson, Francis, Cavan co.
 Scott, Claude, Malmesbury
 Scott, David, Yarmouth, I. W.
 Scott, Joseph, Worcester
 Scott, Samuel, Malmesbury
 Seett, rt. hon. sir William, bart.
 Oxford University
 Seadamore, R. P. Hereford
 Seymour, lord Robert, Orford
 Shafto, Rt. E. Durham city
 Shakespeare, Arth. Richmond
 Shaw, Robert, Dublin
 Sheldon, Ralph, Wilton
 Shelley, Henry, jun. Lewes
 Shelley, Tim. New Shoreham
 Sheridan, R. B. Stafford
 Sibthorp, Hum. W. Lincoln
 Simpson, hon. John, Wentloe
 Sinclair, sir Jn. bart. Bute-shire
 Sitwell, Francis, Berwick
 Sloane, Hans, Lestwithiel
 Smith, Charles, Westbury
 Smith, George, Midhurst
 Smith, John, Wendover
 Smith, John Spencer, Dover
 Smith, Joshua, Devizes
 Smith, Samuel, Leicester
 Smith, Tho. Ashton, Andover
 Smith, William, Norwich
 Smith, Wm. Westmeath county
 Smith, sir William Sidney, bart.
 K. C. Rochester
 Smyth, rt. hon. John, Pontefract
 Sneyd, Nath. Cavan county
 Somerset, lord Arth. Monmouth-
 shire
 Somerset, lord C. H. Monmouth
 Somerset, Id. R. E. H. Gloucestershire
 Somerville, sir M. Lt. Meath co.
 Spencer, lord F. A. Oxfordshire
 Spencer, lord Rt. Tavistock
 Stanhope, W. Spencer, Carlisle
 Staniforth, J. Kingston-on-Hull
 Stanley, lord, Preston
 Stanley, Thomas, Lancashire
 Steele, Robt. Weobly
 Steele, rt. hon. Thos. Chichester
 Stephens, sir Ph. bt. Sandwich
 Stewart, G. T. Weymouth, &c.
 Stewart, hon. C. W. Londonderry
 county
 Stewart, sir J. bt. Donegall co.
 Stewart, Jas. Tyrone county
 Stewart, rt. hon. sir John, bart.
 Tyrone county
 Stewart, hon. M. Kircudbright

Stopford, visct. Annan
 Strachey, sir Hen. bt. East Grinstead
 Strahan, Andrew, Wareham
 Strutt, Joseph Holden, Malden
 Stuart, ld. Wm. Cardiff
 Stuart, W. J. S. Bossiney
 Stuart, sir Jn. bt. Kincardineshire
 Sturges-Bourne, Wm. Christchurch
 Sudley, visct. Donegall county
 Sullivan, rt. hon. Jn. Aldborough
 Sullivan, sir R. J. bt. Seaford
 Symonds, T. P. Hereford
 Talbot, sir Ch. H. bt. Rye
 Tarleton, Banastre, Liverpool
 Taylor, Ch. Wm. Wells
 Temple, earl, Bucks
 Templetown, visct. St. Edmundsbury
 Thellusson, Chas. Evesham
 Thellusson, Geo. W. Tregony
 Thomas, Geo. White, Chichester
 Thornton, Henry, Southwark
 Thornton, Robt. Colchester
 Thornton, S. Kingston on Hull
 Thoroton, Thomas, Grantham
 Thynne, lord Geo. Weobly
 Thynne, John, lord, Bath
 Tierney, rt. hon. G. Southwark
 Tichfield, marquis of, Bucks
 Tottenham, Ponsonby, New Ross

Townshend, ld. J. Knarborough
 Townshend, hon. W. A. Whitchurch
 Trail, James, Orford
 Trevenion, John, Dover
 Troubridge, sir Thos. bt. Yarmouth, Norfolk
 Tudway, Clement, Wells
 Turnor, Edm. jun. Midhurst
 Tyrwhitt-Drake, Thos. Drake, Agmondesham
 Tyrwhitt, Thos. Plymouth
 Vansittart, Arth. jun. Windsor
 Vansittart, Geo. Berkshire
 Vansittart, rt. hon. N. Old Sarum
 Vaughan, hon. John, Cardigan
 Vaughan, sir Rt. W. bt. Merionethshire
 Vereker, Chas. Limeric
 Wallace, rt. hon. Tho. Hindon
 Walpole, hon. Geo. Derby
 Walpole, hon. H. King's Lynn
 Walsh, sir J. B. bt. Blechingly
 Ward, hon. J. W. Worcestershire
 Ward, Robt. Cockermouth
 Warren, rt. hon. sir J. B. bt. K. B. and K. C. Nottingham
 Watson, hon. Geo. Canterbury
 Wedderburn, sir D. bt. St. Andrew's
 Welby, sir W. E. bt. Grantham
 Wellesley, hn. sir Arth. K. B. Rye
 West, hon. Fred. Denbigh
 Western, Cha. C. Malden

Wharton, John, Beverley
 Whitbread, Samuel, Bod
 White, Matthew, Hythe
 Whitmore, John, Bridgen
 Wickham, rt. hon. Wm. C.
 Wigram, sir Robert, bt. F
 Wilberforce, Wm. Yorksh
 Wilkins, Walter, Radnor
 Willet, Jn. W. New Rom
 Williams, J. H. Carmarthen
 Williams, Owen, Marlow
 Williams, sir Rt. bt. Carna shire
 Williams, Rt. Wootton B
 Williams, Watkin, Flint
 Willoughby, Henry, New
 Windham, rt. hon. W. St. b
 Wood, George, Haslemere
 Wood, Mark, Gatton
 Wright, J. A. Oxford cit
 Wrottesley, sir Jn. bt. Lic
 Wyndham, Hen. P. Wilt
 Wyndham, T. Glamorgan
 Wynne, sir W. W. bt. Der shire
 Wynne, C. W. W. Montgo shire
 Wynne, Owen, Sligo
 Yarmouth, earl of, Lisbur
 Yorke, hon. sir Joseph Si
 kn. Ryegate
 Yorke, rt. hon. C. Camb shire
 Young, sir Wm. bt. St. M

Parliamentary Debates

During the Fourth Session of the Second Parliament of the United Kingdom of Great Britain and Ireland, and of the Kingdom of Great Britain the Nineteenth, appointed to meet at Westminster, the Twenty-first Day of January, 1806, in the Forty-sixth Year of the Reign of King GEORGE the Third. [Sess. 1806.]

HOUSE OF LORDS.

Tuesday, January 21, 1806.

The session of parliament was opened this day, by commission; the commissioners were, the lord chancellor, the archbishop of Canterbury, lord Ellenborough, chief justice, the earl of Dartmouth, lord chamberlain, and lord Hawkesbury, principal secretary of state for the home department. A little after three, the lords commissioners took their seats on the woolsack, and the Commons, pursuant to message, having attended, with their speaker at the bar, the lord chancellor informed them, that his majesty had been pleased to direct his commission to certain lords therein named, to open the session, which commission they should hear read, and afterwards his majesty's most gracious speech. The commission was then read by the clerk at the table; and the lord Chancellor then read the Speech, which here follows:

"My Lords and Gentlemen,

"In pursuance of the authority given to me by his majesty's commission, under the great seal, amongst other things to declare the cause of his holding this parliament, his majesty has directed us particularly to call your attention to the most decisive success with which Providence has vouchsafed to bless his majesty's arms at sea since you were last assembled in parliament.—The activity and perseverance of his majesty's fleets have been conspicuously displayed, in the pursuit and attack of the different squadrons of the enemy; and every encounter has terminated

to the honour of the British flag, and the diminution of the naval force of the powers with whom his majesty is at war; but the victory obtained over the combined fleet of France and Spain, off Cape Trafalgar, has manifested, beyond any exploit recorded even in the annals of the British navy, the skill and enterprize of his majesty's officers and seamen; and the destruction of so large a proportion of the naval strength of the enemy has not only confirmed, in the most signal manner, the maritime superiority of this country, but has essentially contributed to the security of his majesty's dominions.—His majesty most deeply regrets, that the day of that memorable triumph should have been unhappily clouded by the fall of the heroic commander under whom it was achieved; and he is persuaded, that you will feel that this lamented, but glorious termination of a series of transcendent exploits, claims a distinguished expression of the lasting gratitude of the country, and that you will therefore cheerfully concur in enabling his majesty to annex to those honours which he has conferred on the family of the late lord viscount Nelson, such a mark of national munificence as may preserve, to the latest posterity, the memory of his name and services, and the benefit of his great example. His majesty has commanded us further to inform you, that, whilst the superiority of his arms at sea has been thus uniformly asserted and maintained, he has not been wanting in his endeavours to apply the means, which were so liberally placed at his disposal, in aid of such of the powers of the Conti-

ment as evinced a determination to resist the formidable and growing encroachments of France. He has directed the several treaties entered into for this purpose to be laid before you; and though he cannot but deeply lament, that the events of the war in Germany have disappointed his hopes, and led to an unfavourable issue, yet his majesty feels confident, that, upon a review of the steps which he has taken, you will be of opinion, that he has left nothing undone, on his part, to sustain the efforts of his allies, and that he has acted in strict conformity to the principles declared by him, and recognized by parliament as essential to the interests and security of his own dominions, as well as to the general safety of the Continent.—It is a great consolation to his majesty, and one in which he is persuaded you will participate, that although the emperor of Germany has felt himself compelled to withdraw from the contest, his majesty continues to receive from his august ally the emperor of Russia the strongest assurances of unshaken adherence to that generous and enlightened policy by which he has hitherto been actuated; and his Majesty has no doubt that you will be fully sensible of the important advantages to be derived from preserving, at all times, the closest and most intimate connection with that sovereign.

"Gentlemen of the House of Commons,

"His majesty has directed the estimates for the year to be laid before you, and has commanded us to assure you, that they are framed upon that scale of exertion which the present situation of the country renders indispensable. His majesty fully relies upon your granting him such supplies as, upon due deliberation, the public exigencies may appear to require.—It is his earnest wish to contribute, by every means in his power, to alleviate the additional burthens which must necessarily be imposed upon his people, and with this view he has directed the sum of one million sterling, part of the proceeds arising from the sale of such prizes made on the powers with whom he is at war, as are by law vested in the crown, to be applied to the public services of the year.

"My Lords and Gentlemen,

"His majesty is fully persuaded, that whatever pride and confidence you may feel in common with him in the success which has distinguished the British arms in the course of the present contest, you

will be sensible how much the evenness of the war on the Continent, by which predominant power and influence France have been so unhappily extended, require the continuance of all possible vigilance and exertion. Under this impression, his majesty trusts that your attention will be invariably directed to improvement of those means which may be found in the bravery and discipline of his forces, the zeal and loyalty of his class of his subjects, and in the inexhaustible resources of his dominions, for rendering the British empire invincible at home as well as formidable abroad; satisfied by such efforts alone the contest cannot be brought to a conclusion consistent with safety and independence of the country and with its rank among the nations of the world."

The commons having retired, the commissioners withdrew to unrobe shortly after, lord Ellenborough took his seat on the woolsack, the lord chancellor of the exchequer, in a state of health not permitting him to attend out the expected debate. At four o'clock earl Nelson, preceded by sir Isaac Gower, garter king at arms, the duke of Norfolk, earl marshal, and lord Auckland, as reported by the earls of Macclesfield and Bristol, was introduced to the throne. His majesty's royal letters patent delivered in at the table by garter king at arms, read by the clerk. The marquis of Downe, marquis Wellesley, and lord John, also took the oaths and their this being the first time of their appearing in their place in parliament since accession to their present titles.—The bill was then brought in by lord Walsley and read a first time, according to the established usage of the house, previous to the speech being taken into consideration. His majesty's most gracious speech was then read by lord Ellenborough from the woolsack, and afterwards by the clerk at the table, after which

The Earl of *Essex* rose, to move a vote of thanks to his majesty for the speech that had been just read. He then lamented, that this necessary duty had not devolved to some noble lord better qualified than himself to fulfil it. He, however, had that confidence in the kindness and liberal feelings of the lords, that they would extend their indulgence to him, which persons were not accustomed to address the lords generally obtained. He

not detain their lordships for any considerable length of time, but content himself with briefly adverting to the principal features in the speech. The nature of the speech was such as, in his opinion, to preclude the possibility of any opposition to the address which he should have the honour of moving. With respect to the magnitude and importance of the successes which his majesty's arms had obtained, it was impossible there could be any difference of opinion in that house. The activity and perseverance which had been displayed in pursuing the fleets of the enemy, the vigour with which they were attacked when found, and the admirable skill with which that attack was directed, were among the most brilliant achievements in the naval annals of England. Great as the victory of Trafalgar was, the universal sorrow with which the intelligence of the heroic commander who fell in it was received by the country, proved that the triumph of that day had not been cheaply purchased. Venerating, as their lordships undoubtedly must, the services, the character of the immortal commander of the British fleet upon that occasion, with the sentiment which every one must feel of the great services which he had rendered to the country, asserting at once the supremacy of its naval power, and providing, by the almost total destruction of the combined fleet, for its safety, it was impossible that any one in the house could feel disposed to oppose that part of his majesty's speech, which recommended to parliament to enable his majesty to annex to the honours which he had conferred on the family of that great commander a fit mark of the national munificence.—The unexpected and disastrous events which had taken place in Germany must be the subject of deep regret to every noble lord, who wished to see the overbearing ambition of France confined within limits consistent with the peace and tranquillity of the rest of Europe. It, however, should be no small consolation to this country, that nothing had been left undone that depended upon her to ensure the success of the allied arms; and that though his majesty the emperor of Germany had been compelled to abandon the contest, we had still an unshaken, a magnanimous, and a powerful ally in the emperor of Russia. In the propriety of maintaining the closest connection with that great sovereign, he was persuaded their lordships would con-

cur with the recommendation in the speech. There was only one point upon which he would detain the house, and which, though not introduced into his majesty's speech, he hoped to be able to obtain the approbation of their lordships to insert in the address. He wished that some compliment of condolence should be offered to his majesty, upon the decease of his royal brother the late duke of Gloucester. With the amiable and excellent qualities of that much esteemed person, many of their lordships had been familiar for a number of years, and he was confident they would not be averse to express the high sense which they entertained of his virtues, and to condole with his majesty on that melancholy occasion. The noble earl concluded with moving, "That an humble address be presented to his majesty", which address was, as usual, an echo of his majesty's speech, and nearly the same as that which we insert in this day's proceedings of the house of commons; see page 15.

Lord Carleton rose to second the address, and spoke nearly as follows:—My lords, the address to which your lordships are now called on to give your assent, and which I hope will meet with your unanimous concurrence, does not pledge the house to any specific line of proceeding; and therefore, I trust, none of your lordships will object to it. Most of the topics alluded to in his majesty's speech are such as must meet your concurrence. The glorious victory of Trafalgar is an event of such magnitude and importance, that it is hardly possible for the imagination to conceive any other more transcendent: it is superior to almost every other naval action for which our history is so famous. The unparalleled valour displayed by all the individuals engaged in that action, and the unexampled ability and skill with which it was conducted, has been a subject of admiration to this country and the whole world. Never was so great an enemy so completely destroyed. The naval skill and the valour displayed on that glorious occasion was never equalled, and will never be surpassed. Every man who recollects the signal given by the hero who achieved the successes, "England expects that every man will do his duty," must be struck with a still higher degree of admiration of his character. We never can speak or think with sufficient admiration of this great victory, nor sufficiently

lament the fate of him whose great mind planned the attack that was crowned with such brilliant success. I have thus far expressed my feelings on this subject, because I wish to direct your attention to the importance of that part of his majesty's speech, which recommends a munificent recompence to the representatives of the deceased hero, to whom every individual in the country, from the highest to the lowest, is so greatly indebted for his security. Your lordships, I trust, will have no objections to concur in the expressions of condolence on the death of a most illustrious and amiable prince, who was nearly allied, and so dear to his majesty; I mean the late duke of Gloucester. With respect to that part of the address which relates to the share which the government had in the late events on the continent, the present is not the proper time to discuss it; and when that discussion comes on, I hope the conduct of his majesty's government will appear perfectly justified. I also am confident we may grant further powers to government, with a complete reliance that they will faithfully execute the trust reposed in them. Notwithstanding the unfortunate turn which affairs have taken on the continent, we cannot but applaud the enlightened policy of the emperor of Russia in the line of conduct he has pursued, and entertain the most sanguine hopes of deriving benefit from his co-operation and friendship hereafter. That illustrious prince was determined not to make an ignominious peace. The interests of Russia and this country have always been, and will ever continue to be the same. And from this community of interests, and their mutual friendship, the happiest consequences may be expected. Your lordships, I am confident, must all feel the necessity of prosecuting the war with vigour, as the only means by which we can ever expect to possess security or peace. You must feel the magnitude of the stake we are contending for. But you must all feel besides how great are the resources, the power, wealth, and commerce of this country. Never was its commerce in a more flourishing state. And, what is still greater than all, our spirit is unsubdued, our valour is untire. Such a nation, by making vigorous efforts, must be invincible. Under all these impressions, I trust, there is not one among your lordships who will not

cheerfully concur in the present address.

Earl Cowper said, that he did not rise to offer any opposition to the motion now before their lordships. He was anxious, however, that it should be understood that his own conduct, and that of other noble lords, in abstaining from expressing their sentiments on this occasion, should not be attributed to an entire concurrence in all the observations which had been made by the noble mover and seconder. The fact was, that he had come down to the house with a determination to move an amendment upon the motion for the address; but he was induced to postpone it, from the consideration, solely, of the indisposition of a right hon. gentleman at the head of his majesty's councils. He felt that, as the address did not in itself pledge noble lords to any thing, upon which there could be any great difference of opinion, it was rather a point of delicacy to offer any proposition, under the present circumstances, leading to a discussion, in which must necessarily be involved the conduct of the right hon. gentleman alluded to. Having said thus much, he should satisfy himself, for the present, with reading the amendment which he had drawn up. His lordship then read over the amendment. The purport of it tended to express the deep concern which the house felt at the disasters recently sustained by his majesty's allies on the Continent: and to assure his majesty, that the house would take the earliest opportunity of enquiring into the causes of these disasters, so far as they might be connected with the conduct of his majesty's ministers; and to suggest such measures as should appear to be necessary for averting the dangers which threatened this country. His lordship concluded with giving notice, that on Monday next he should submit a motion, embracing the substance of the amendment which he had just read.

Lord Grenville rose to return thanks to the noble lord, who had just sat down, for the sentiments which he had expressed. The situation of the country was, in his view of it, such as to call for the most prompt and attentive consideration. That consideration ought, most certainly, to be no longer postponed than was necessary to put their lordships completely in possession of the subjects which demanded their most serious enquiry. It was desirable that their lordships' decision should

be preceded by the most complete investigation; but, for his own part, he confessed, that some of the topics connected with the present state of the country were so urgent, that any delay in bringing them under discussion could be justified only by the motive which influenced the conduct of the noble lord below him. There was not a man of liberal ideas, but must feel the deepest regret for the indisposition of the individual to whom he alluded. If such must be the feeling of that noble lord, and of every other man, how much more forcibly must that sentiment of regret be felt by himself, who had passed so many years of his life in the most intimate connection with the right hon. gentleman? At the same time that he thus felt himself bound to express his gratitude to the noble lord, for the motive which inclined him to postpone his intended amendment, he was also called upon to thank him, for his determination to bring forward the subject on an early day. For the rest, he had no intention of trespassing on their lordships' time at present, by any observation on what had fallen from the noble lords who moved and seconded the address. There could not be the slightest difference of opinion, with respect to that part of the address, which related to the victory off Trafalgar: every man must concur in any measure, calculated to evince the sense which the nation entertains of the brilliant and meritorious services of the late lord viscount Nelson, and to enable his majesty to make the most splendid provision for those to whom his honours had devolved. He was happy to find that the address pledged their lordships to no approbation of the conduct of government. That was a question which called for future deliberation. He should be the last man in the world to express any unfavourable opinion on the actions of others, until he had grounds for forming that opinion. When the subject came fairly under the consideration of the house, he should state that view of it with which his mind was impressed.

Lord Hawkesbury expressed his acquiescence in most of the observations which had fallen from the two noble lords who had spoken last. To both, and particularly to the noble lord who had just sat down, he gave the fullest credit for the motives which had induced them to waive any discussion of the measures of government, at the moment when his right hon. friend,

the chancellor of the exchequer, was labouring under a severe indisposition. There was not an Englishman but must experience the sincerest regret at the indisposition of an individual who was the admiration, not only of his own country, but of the world; and he could well believe, that the impression which it made on the feelings of the noble lord, must be increased in a degree proportioned to the sincere friendship which had long subsisted between them, and the more intimate opportunities which he had had of appreciating his transcendent merits. He could, however, assure their lordships, that his majesty's ministers were then fully prepared, should it be the pleasure of the house, to enter into the most comprehensive discussion of their conduct. But he would, at the same time, freely state, that his majesty's speech was intentionally couched in such language as it was supposed would create no difference of opinion as to the terms of the address. Ministers felt, that the existing state of affairs required the most ample communications on their part; and they were anxious only to delay any discussion until such communications could be laid before parliament. Under such circumstances, he could not avoid observing, that it would be a departure from all precedent in parliamentary usage, to precipitate a discussion. When ministers called for the opinion of the house, without laying any information before them, or what was conceived to be imperfect information, it was then indeed customary to oppose their propositions on those specific grounds; but he never knew an instance when it was attempted to force a discussion on points, respecting which ministers were desirous of previously communicating information to parliament.

Lord Mulgrave complimented the two noble lords on the motives which induced them to abstain from then discussing the conduct of his majesty's ministers. He, however, expressed his conviction that that conduct, when the requisite information was before the house, would meet their unanimous approbation. It would be found such as would place in the most conspicuous point of view, the character of the government and of the country. Notwithstanding the unfortunate result of the efforts of our allies on the continent, he pledged himself, that the issue of the most ample investigation, upon the documents which it would be his duty to lay

lament the fate of him whose great mind planned the attack that was crowned with such brilliant success. I have thus far expressed my feelings on this subject, because I wish to direct your attention to the importance of that part of his majesty's speech, which recommends a munificent recompence to the representatives of the deceased hero, to whom every individual in the country, from the highest to the lowest, is so greatly indebted for his security. Your lordships, I trust, will have no objections to concur in the expressions of condolence on the death of a most illustrious and amiable prince, who was nearly allied, and so dear to his majesty; I mean the late duke of Gloucester. With respect to that part of the address which relates to the share which the government had in the late events on the continent, the present is not the proper time to discuss it; and when that discussion comes on, I hope the conduct of his majesty's government will appear perfectly justified. I also am confident we may grant further powers to government, with a complete reliance that they will faithfully execute the trust reposed in them. Notwithstanding the unfortunate turn which affairs have taken on the continent, we cannot but applaud the enlightened policy of the emperor of Russia in the line of conduct he has pursued, and entertain the most sanguine hopes of deriving benefit from his co-operation and friendship hereafter. That illustrious prince was determined not to make an ignominious peace. The interests of Russia and this country have always been, and will ever continue to be the same. And from this community of interests, and their mutual friendship, the happiest consequences may be expected. Your lordships, I am confident, must all feel the necessity of prosecuting the war with vigour, as the only means by which we can ever expect to possess security or peace. You must feel the magnitude of the stake we are contending for. But you must all feel besides how great are the resources, the power, wealth, and commerce of this country. Never was its commerce in a more flourishing state. And, what is still greater than all, our spirit is unsubdued, our valour is intire. Such a nation, by making vigorous efforts, must be invincible. Under all these impressions, I trust, there is not one among your lordships who will not

cheerfully concur in the present dress.

Earl Cowper said, that he did not offer any opposition to the motion before their lordships. He was anxious, however, that it should be understood that his own conduct, and that of noble lords, in abstaining from expressing their sentiments on this occasion, should not be attributed to an entire concurrence in all the observations which had been made by the noble mover and second. The fact was, that he had come down to the house with a determination to move an amendment upon the motion for the dress; but he was induced to postpone from the consideration, solely, of the disposition of a right hon. gentleman the head of his majesty's councils. I thought, as the address did not in itself propose any thing to noble lords to any thing, upon which there could be any great difference of opinion, was rather a point of delicacy to offer a proposition, under the present circumstances, leading to a discussion, in which must necessarily be involved the conduct of the right hon. gentleman alluded to. Having said thus much, he should leave himself, for the present, with reading an amendment which he had drawn up, and then read over the amendment. The purport of it tended to express a deep concern which the house felt at the disasters recently sustained by his majesty's allies on the Continent: and to assist his majesty, that the house would take the earliest opportunity of enquiring into the causes of these disasters; so far as they might be connected with the conduct of his majesty's ministers; and to suggest such measures as should appear necessary for averting the dangers threatened this country. His lordship concluded with giving notice, that on Monday next he should submit a resolution embracing the substance of the amendment which he had just read.

Lord Grenville rose to return thanks to the noble lord, who had just sat down, for the sentiments which he had expressed. The situation of the country was, in his view of it, such as to call for the prompt and attentive consideration. His lordship's consideration ought, most certainly, to be no longer postponed than was necessary to put their lordships completely in possession of the subjects which demanded their most serious enquiry. It was a matter of course that their lordships' decision

following places: viz. for the city of Gloucester, in the room of John Pitt, esq. deceased; for the district of burghs of St. Andrew's, Perth, Dundee, Cupar, and Forfar, in the room of David Scott, esq. deceased; for the county of Monmouth, in the room of James Rooke, esq. deceased; for the borough of Boroughbridge, in the room of the hon. John Scott, deceased; and also, that he had issued his warrant to the clerk of the crown in Ireland, to make out a new writ for the election of a member to serve in parliament for the county of Waterford, in the room of the right hon. John Beresford, deceased.—Lord Castlereagh and several other members took the oaths and their seats.—The bill for preventing clandestine Outlawries was, according to custom, read a first and ordered to be read a second time.—New writs were ordered for the following places: viz. Dunwich, in the room of S. Barne, esq. who, since his election, had accepted the office of the lord treasurer's remembrancer in the court of exchequer; for Queen's County, Ireland, in the room of sir Eyre Coote, who had accepted of the situation of lieutenant-governor of Jamaica; for Dunbartonshire, in the room of sir J. Colquhoun, who had accepted the Chiltern hundreds; for Bedfordshire, in the room of the hon. St. A. St. John, called up to the house of peers: for Leominster, in the room of the hon. C. Kinnaird, now a peer of the United Kingdom, and for Yarmouth, in Southampton, in the room of sir Home Popham, who had accepted the Chiltern hundreds.

[THE LORDS COMMISSIONERS' SPEECH.]

The *Speaker* acquainted the house, that the house had this day been at the house of peers, at the desire of the lords commissioners appointed under the great seal, for opening and holding this present parliament; and that the lord high chancellor, being one of the said commissioners, made a speech to both houses of parliament; of which he had, to prevent mistakes, obtained a copy.—He then proceeded to read the speech from the chair, for which we refer to our report of the proceedings of the lords, see p. 1. After the *Speaker* had finished reading the speech,

Lord Francis Spencer rose, and spoke as follows:—I rise, sir, for the purpose of moving an humble address to his majesty, in answer to his gracious speech, in which address I trust I shall have the unanimous concurrence of the house.

For those brilliant successes of his majesty's arms by sea, which have so eminently distinguished the naval history of the past year, I am confident the house will fully coincide in the sentiments expressed in his majesty's speech; but, above all, in what relates to the glorious and ever-memorable victory off cape Trafalgar, under the gallant and justly regretted hero who achieved that proud triumph for his country before he had nobly fallen in her cause, and left her to deplore a loss, in which, I am convinced, every man who hears him, sincerely participates the concern expressed by his majesty: and I feel the strongest reliance that the house, in its liberality, and justice to the memory of that great and gallant commander, will cheerfully meet the royal wishes, and enable his majesty to add to the honours already conferred upon his family such signal rewards as shall mark the public gratitude for the important victories, and the public security which the nation so eminently owes to his prowess. But, sir, while the country has such proud and distinguished cause of triumph in her naval successes during the last year, and more particularly in that of the victory off cape Trafalgar, I am confident the house must deeply participate in those feelings of regret, expressed by his majesty, for the reverses sustained by our allies on the Continent, and the melancholy issue of the late campaign. At the same time the house and the country must feel high consolation in the manly conduct, and the unshaken attachment manifested by our faithful ally, the emperor of Russia, to those principles and that enlightened policy, which have uniformly distinguished his reign: a circumstance, which still affords us reasonable ground to hope, that affairs on the Continent may yet be brought to a favourable issue. In the crisis, however, in which this country now stands, we have nothing to fear from the haughty menaces, or the insatiable ambition of the common enemy, while defended by the known loyalty and valour of his majesty's subjects, and the unexhausted resources of this empire; in the vigorous application of which, I am confident the wisdom and spirit of the house will cheerfully co-operate with his majesty, for maintaining the contest in such a manner, as to sustain the country in her wonted rank amongst the nations of Europe, and for bringing the present arduous contest to an honourable and

before their lordships, would be a general concurrence in his opinion, that there was not a single measure which could have been prospectively suggested, that had been omitted; nor one adopted, which, upon the most deliberate review of all the events that had occurred, it would have been desirable to retract. Having given this pledge to their lordships, and advert- ing to the desire expressed by his noble friend (lord Grenville) that the house should be fully in possession of every thing which related to those measures, before their lordships should proceed to the discussion of them, he would suggest to the noble earl, who gave notice of a motion for Monday next, whether it would not be advisable to postpone it for a few days longer. He was not certain, that it would be in his power by that day, to lay before the house all the documents which it might be deemed advisable to submit to its consideration; at any rate it was impossible that the house should then be so fully in possession of their contents, as to enable it to proceed to a discussion of them.

Lord Grenville said, that his noble friend seemed to interpret what had fallen from him in a larger sense than he intended. He was unwilling that their lordships should separate under the impression, that he conceived all discussion upon the state of affairs should be forborne until the communications alluded to were laid before parliament. These communications, so far as the character of his majesty's ministers was implicated in the transactions on the continent, were certainly indispensibly requisite to enable the house to come to a correct decision on their conduct. But there were various other topics connected with the present situation of the country, which called for the consideration of parliament with the least possible delay; and as these would, no doubt, be adverted to by the noble earl below him on Monday, he would certainly, so far as his opinion went, recommend it to that noble lord to persist in the notice which he had given.—The motion being then put from the woolsack, was agreed to, *nem. diss.* and a committee appointed to draw up an address accordingly. The committee returned in a few minutes after, and presented a copy of the address, which was unanimously adopted; and the lords with white staves, were appointed to wait on his majesty, to know when he would be pleased to receive the same.

[CONDUCT OF JUDGE FOX.] The marquis of Abercorn called their lord attention to the state of the proceedings in the case of Mr. justice Fox. It was necessary, as well for the sake of the party accused, as for the sake of those concerned in the accusation, that the time in their lordships may be able to take and proceed with, the business, should be specified; for his part, he was prepared to come forward with the evidence, relative to whatever concern he might have in the business, as soon as the pleasure of the house should be known in that respect.

Lord Carleton made several observations in consequence of what fell from the marquis; but, in such a tone of voice that the far greater part of what he said was inaudible at the bar. In the course of his remarks he expressed his concurrence in the propriety of what the noble lord said, the period for proceeding with the business, being fixed with certainty.—Hawkesbury gave notice, that on Monday he should move a vote of thanks to Collingwood and sir Richard Strachan and the officers and seamen under their command, in the recent actions off Algiers and Rochefort.—Earl Darnley gave notice of his intention to take an early opportunity of moving for an account of the number of men raised by the parish officers, under the Additional Force Act.—On the motion of lord Hawkesbury, lord Walsingham was appointed chairman of all their lordships' committee, during the present session.—Adjourned.

HOUSE OF COMMONS.

Tuesday, January 21.

The house met this day pursuant to his majesty's proclamation, for the despatch of business. At three o'clock Mr. Quin, yeoman usher of the black rod, appeared within the bar, and informed the house that the lords, authorised by virtue of his majesty's commission, desired the immediate attendance of the house, in the house of peers, to hear the commission read. The Speaker, accompanied by several members, accordingly attended their return, the Speaker took the chair, acquainted the house, that, in pursuance of the directions of an act, passed in the year of his present majesty, he had issued his warrants to the clerk of the crown to make out new writs for the election of members to serve in parliament for

sullied, and our resources unimpaired. Although our commerce might suffer some little injury by the occupation of such a large part of Europe by hostile armies, yet experience had frequently shewn, how difficult it was, with every exertion and every restriction that tyranny could avail itself of, to prevent the introduction into foreign states of those productions of British growth and manufacture which were so much needed by them. The armies of the foe were now rapidly marching to avenge, what they termed the perfidy of this country, but he trusted the house would assure his majesty, that an independent and gallant nation like great Britain, could not be intimidated by any menaces that might be thrown out against it. With regard to the victory off cape Trafalgar, and the regret for the hero who had achieved it, it was impossible that two opinions could exist in the house, or in the country. The exigencies of the times certainly required great efforts, and great sacrifices. His majesty, with that paternal solicitude for his people, which had ever distinguished his conduct, had set a noble example, which well deserved the most grateful acknowledgments of the country. Our freedom, our enjoyments, and, above all, the power which we possessed of repressing the ambitious views of the emperor of the French, were, with him, the most heinous political sins. He had no doubt, however, that if Providence continued that fostering attention to this nation, with which it had so long been favoured, that we should yet be enabled to bring the arduous contest in which we were engaged, to a safe and honourable termination.

Lord *Henry Petty* rose and addressed the house as follows:—To that part of the proposed address which relates to the glorious victory off cape Trafalgar, and the respect to be paid to the memory of the hero whose loss the country has to deplore on the occasion of that memorable day, I am sure there is none in this house can have any objection. When alive, he united all men around him in the cause of his country; and now he is no more, all men are and ought to be animated with but one sentiment and one feeling, to honour and perpetuate his memory. But to the other parts of the address, I cannot so freely give my assent; and it was, therefore, my intention to have submitted an amendment thereto, which I conceive

more consistent with the alarming state to which the country has been brought, and more consistent with my own feelings on the subject. But reports have reached my ears, and must have reached the ears of other members of this house, which would render the discussion to which the proposal of such an amendment must have led, so painful to my feelings, so painful to the feelings of the house, and to the feelings of the individuals whose conduct must be more peculiarly implicated in the investigation, that I have thought it better, for the present, to wave any amendment. That it may be known, however, what are the feelings in which I arraign the conduct of ministers, which I am convinced are also the feelings of a great majority of this house, and of the country, I beg leave to read the amendment. It was this: 'That this house feels the deepest concern at the series of disasters which have attended the arms of your majesty's allies on the Continent, and will, without delay, proceed to enquire into the cause of such disasters, as far as they may be connected with the conduct of your majesty's ministers. This house is perfectly sensible that the alarming and unexampled state of public affairs renders the most vigorous exertions necessary for the preservation of the Empire; and we feel it our peculiar duty, when we call for these extraordinary efforts, to provide that the resources we furnish, and the powers we confer, may not in future be so employed as to increase the perils they were intended to avert, and to aggrandize that power to which it is the common interest of all Europe, as well as of Great Britain to set proper limits.' Such, sir, is the nature of the amendment, which I intended to propose this evening. But although, for the reasons I have mentioned, I am induced to wave it at present, yet, such is my conviction of the alarming state of the country, that I cannot, consistently with my duty, suffer many days to elapse without bringing forward the subject, for ample discussion, in some shape. On Monday next, therefore, it is my intention to bring the subject before the house in another shape; and, perhaps, to introduce such other topics as may be necessary for a full investigation of the business.

Mr. *For.*—Concurring entirely in the sentiments which have fallen from my

advantageous conclusion. Without troubling the house any farther, I shall conclude, sir, with moving, "That an humble address be presented to his majesty, to return his majesty the thanks of this house for the gracious speech delivered by his majesty's command to both houses of parliament:—To express to his majesty our sincere condolence for the loss which his majesty and the royal family have sustained by the death of his late royal brother the duke of Gloucester:—To assure his majesty, that we have not failed to observe, with satisfaction, the unwearied activity and perseverance of his majesty's fleets in the pursuit of the squadrons of the enemy, which have led, in every encounter, to a diminution of their force:—But that we beg especially to offer his majesty our warmest congratulations upon that unexampled victory over the combined fleets of France and Spain off cape Trafalgar, with which Providence vouchsafed to bless his majesty's arms, under the command of the late lord viscount Nelson:—And, while we feel, with pride and exultation, that the skill and enterprize of his majesty's officers and seamen have thus signally confirmed the maritime superiority of this country, and so essentially contributed to the security of his majesty's dominions, we participate in the deep regret expressed by his majesty, that the day of that memorable triumph should have been clouded by the fall of the heroic commander by whom it was obtained:—That we are fully sensible that this lamented but glorious termination of a series of transcendent achievements claims a distinguished expression of the lasting gratitude of the country; and to assure his majesty, that we shall proceed, with heartfelt satisfaction, to enable his majesty to annex to those honours he has been graciously pleased to confer upon the family of the late lord viscount Nelson, such a mark of national munificence, as may preserve to the latest posterity the memory of his name and services, and the benefit of his great example:—That we beg leave to return his majesty our humble thanks, for having been graciously pleased to direct to be laid before us copies of the several treaties which have been entered into by his majesty with such of the powers on the Continent as had evinced a determination to resist the formidable and growing encroachments of France, and to

assure his majesty that we shall proceed to take them into our most serious consideration:—That while we deeply regret that the events of the war on the continent have led to an unfavourable issue, we are in common with his majesty, thankful that the relation to be derived from the assurance that his majesty continues to receive, from his august ally the emperor of Russia, his unshaken adherence to that generous and enlightened policy by which he has thereto been actuated; and that we are fully sensible of the great importance of preserving at all times an intimate connection with that sovereign:—To assure his majesty, that we shall proceed to such supplies as in the present position of affairs the public exigencies may require; and that we beg to offer his majesty our humble thanks for his gracious and tender concern for the welfare of his people, in directing the sum of one million sterling out of the proceeds arising from the sale of such prizes made on the power of whom we are at war, as are by law in the crown, to be applied in aid of public service:—That we assure his majesty, that the pride and confidence felt in the success of his majesty's arms has not diminished our sense of the necessity of unabated vigilance and exertion, and that his majesty may firmly rely on our attention being invariably directed to such measures as may appear best adapted to the improvement of those means, and are to be found in the bravery and discipline of his forces, the zeal and loyalty of every class of his subjects, and the exhausted resources of his dominions, rendering the British empire invulnerable at home, as well as formidable abroad, and that by such efforts alone the contest in which we are engaged will be brought to a conclusion consistent with the safety and independence of the country and with its rank among the nations of the world."

Mr. Ainslie seconded the motion for the short speech, in which he observed that the events which had taken place on the continent, had been rapid and unexpected, and that France had acquired by a short space of time, those accessions of power and territory, which had before been gaining under the name of peace. Still, however, we had to rely on ourselves with the pleasing reflection that our own national character remained

himself solely to stating his entire concurrence with the sentiments expressed by his hon. friend who had spoken last but one, and by his noble friend who had preceded. He agreed, that to enter into the discussion at present, would not be possible, conformably to the feelings which must prevail universally both in the house and in the country. It was impossible even for those, who had never known what it was to live in any habits of friendly or social intercourse with the right hon. gent. alluded to, not to feel that it would be one of the most painful tasks that could be imposed upon them, to enter into an adverse discussion on the merits of measures in which he was so deeply concerned, at a moment when he was lying on a bed of sickness, not without good grounds, he trusted, for hoping his recovery, but with the danger necessarily incident to such a situation. It was not however what must be the feelings of any one on such an occasion, that was to be considered: men must perpetually be compelled to do, at the call of duty, what was in the highest degree unpleasant and painful to them. But it happened here, that what made the task painful, did, in the same degree, disqualify them for the performance of it. Even this consideration however could not long delay the discussion in question. The moment must be at hand, should the right hon. gent.'s illness be prolonged, when the public interest could no longer wait, and when this task must be performed, with whatever pain or at whatever disadvantage. But the pressure of public affairs, great as it was, would still, it was hoped, allow of a short respite, such as was now proposed; and if so, every one must wish, that such respite should be given. Let us hope, in the mean while, that some favourable change may take place, which, if it cannot remove that part of our embarrassments which arise from the absence of the right hon. gent., may free us at least from that gloom and depression which the apprehended extinction of great and transcendent talent and high qualifications, in the midst of the most splendid fortune, cannot fail to produce even in the minds of those who may have been most opposed to the political system of which they made part.

[**ADDITIONAL FORCE BILL.**] Mr. *Sheridan* rose to give a notice respecting a motion for the repeal of the Additional Force bill. That bill had been tried, and

was found to fail completely in producing the effects expected from it by its admirers. He had a very considerable number with him when he before moved for its repeal, though certainly he had not a majority at that time. Now, however, he hoped that many who disagreed with him then, would, on a subsequent motion for its repeal, cordially vote with him. He was proceeding to make some farther observations, when

The *Speaker* observed, that he must remind the hon. gent. that at present he must confine himself to the notice.

Mr. *Sheridan* replied, that he was only about to say a very few words, but he should only now state, that on an early day he would give notice of a motion for the repeal of the bill.

Lord *Castlereagh* said, that some alterations were intended to be made in it which might meet the most serious objections that could be brought against it.

Mr. *Sheridan* replied that no alterations could possibly render it fit to be continued in force any longer.

[**NAVAL VICTORIES.**] Lord *Castlereagh* gave notice, that on Thursday he would move the thanks of the house to the brave officers and seamen of the fleets which had gained the brilliant naval victory on the 21st of October, off Cape Trafalgar; and to the officers and seamen of sir R. Strachan's squadron, which had taken four of the enemy's ships on the 4th of November.

HOUSE OF LORDS.

Wednesday, January 22.

[**MINUTES.**] The Earl of Dartmouth informed the house, that his majesty would be graciously pleased to receive their lordships' address to morrow at half past two.—The lord Chancellor stated to the house that he had duly transmitted the vote of thanks of that house, passed on the 13th of May, 1804, to marquis Wellesley, and that he had received, during the recess, an answer from that nobleman. Understanding, however, that that noble lord was now in England, and had been in that house, he thought it would be more consistent with the forms of the house for the marquis Wellesley to deliver his answer in his place, than for him to read the letter which he had received from the noble marquis.

[**IMPEACHMENT OF LORD MELVILLE.**] Lord *Melville*, in pursuance of the order

noble friend, I do not think it necessary to trouble the house with more than a few words at present. But I cannot forbear to express my hope now, that this seeming dereliction of our duty will not be so misrepresented by any one, either in this house, or out of this house, as to make it possible to be supposed that we do not feel all that we ought to feel for the unexampled calamities which have been brought on the country; that we do not feel, though not in the way expressed by the address, for the unexampled calamities which have befallen the second military power of the Continent; that power to which we have looked, and to which we may yet have to look for the support of this country, and of Europe in general. I hope we shall not be wanting in our expressions of indignation at those ill-concerted, ill-conducted, ill-supported, and ill-executed plans, which have placed the country in the most extraordinary and most calamitous situation it ever experienced. I hope we shall not be misinterpreted, by its being supposed that we shall be wanting in those proper feelings by which we ought to be impressed. Nay, sir, it is the very strength of those feelings that induces me to agree in the propriety of putting off the discussion. Reports certainly have gone about, which I hope are exaggerated, which I hope will have ceased in a few days; but I will freely say, that feeling how nearly the individual alluded to in them is connected with the discussions which must have arisen to-night, had the amendment read by my noble friend been brought forward, I am ready to allow that it would be injustice to him to press the subject in his absence, while there may be any good reasons to believe that he will be able in a very short time to attend in his place. I therefore cordially agree in the propriety of postponing the discussion; but, at the same time, every private consideration ought to yield to the public advantage; and, for this reason, I hope the delay will not be long. I understand that my noble friend has fixed on Monday to bring forward a motion on the present situation of affairs, whether in the shape now pointed out in his amendment, or in a more general view, will be for him to determine. At all events, I hope that no material delay will take place, but that we shall speedily proceed to enquire into the causes of our present unexampled danger,

and the means by which the calamity that threaten us, may with the best chance of success be averted.

Lord Castlereagh said, that he fully concurred in the feelings that actuated the noble lord in postponing the discussion for the present; and no expression, however warm, that might have fallen from the hon. gent. who had just sat down, should tempt him to depart from the course adopted by the noble lord, and enter prematurely into the discussion. The hon. gent. seemed confident that he could substantiate the matter, which had been stated in the form of a charge by the noble lord against his majesty's ministers; but they were no less confident, that, whatever the questions should come under consideration, they would be able fully and satisfactorily to justify their conduct. As the discussion should come forward, it would be the duty of his majesty's ministers to state at large what they had to urge in their justification, and until he should abstain from entering fully into the subject. He agreed with the noble lord in sentiments so honourable to the noble lord and which had been assented to by the hon. gent. who had spoken last, that the noble lord could not enter into the discussion of this question, consistently with feelings, by which it was then influenced. If the distinguished personage, who was so intimately concerned with its discussion, should be unable to attend in his place during the consideration of it; [a cry of no! no!] He admitted, that if the distinguished individual should not be able to attend till after a period beyond what might be required from a sense of paramount duty, the noble lord could not put off the subject, if he was competent to him to bring it forward at whatever time his feelings or his duty might render it necessary in his opinion. He was sure, however, that the noble lord would make that time as short as his sense of paramount duty would admit. Before he sat down, he felt himself bound to repeat what he had before stated, that whenever the discussion should be brought forward, his majesty's ministers would be able to justify, most completely, their conduct and their measures.

Mr. Windham said, he did not mean to enter into the consideration of the subject, which had been for the same cause advanced on both sides of the house. In the words he had to say, he meant to con-

26th of June, 1805, and also the act of last session, for continuing the proceedings respecting that impeachment, notwithstanding any prorogation or dissolution of parliament, be read. The resolution and the act having been accordingly read, the hon. gent. then moved, that the said committee do sit and proceed with the matters referred to them to-morrow morning, and that lord Robert Spencer be added to the said committee.—Ordered.

[MARQUIS WELLESLEY'S ANSWER TO VOTE OF THANKS.] The *Speaker* acquainted the house, that he had received from marquis Wellesley the following letter, in return to the thanks of this house, signified to him by Mr. Speaker, in obedience to their commands of the 3d day of May 1804, see vol. 2. p. 369.—Fort William, the 30th May, 1805. Sir, 'I have the honour to acknowledge the receipt of your letter, under date the 4th of May 1804, transmitting the resolutions of the house of commons of the 3d of May 1804, respecting the late military operations in India, against the confederate Marhatta powers.—Your letter, together with the resolutions of the house of commons, has been published in general orders to the army, and the separate resolutions of the house have been transmitted to the several public officers distinguished by that high honour. Copies of my letters transmitting those resolutions, and of such answers as I have received, accompany this letter.—I request that you will be pleased to submit to the house of commons, the dutiful sense of gratitude and respect with which I receive this honourable testimony of the approbation of the house.—The proceedings of the house of commons on this occasion are calculated to confirm, in every branch of the civil and military service in India, those sentiments of zealous attachment to the public interests, and honour, which have distinguished the conduct of his majesty's and the honourable company's servants during the late war.—The expressions which you have been pleased to employ in transmitting to me the resolutions of the house of commons, demand my most grateful acknowledgments, and constitute a considerable addition to the honour conferred by the commands of the house. I have the honour to be, &c. WELLESLEY'.—To the right hon. Charles Abbot, Speaker of the house of commons.

[PETITION FROM BERKS AGAINST AD-

DITIONAL FORCE BILL.] Mr. Charles Dundas presented to the house a petition from the gentlemen and freeholders of the county of Berks, on the subject of the Additional Force bill, and praying its repeal. The petition, he said, was signed by all the respectable clergy, gentlemen, and freeholders of the county, and had been unanimously agreed to at a most numerous meeting of the county, held for the purpose of considering the subject. It had been found by experience that the act was impracticable, and the petitioners of necessity felt themselves compelled to apply to the house for its repeal. They stated in their petition, that of the whole number which the county, under the act, was called on to raise, only eleven had been procured by parish officers; which had not arisen from any neglect on the part of the overseers, but from the impossibility of carrying the provisions of the act into execution. The petition also stated, that in consequence, a sum of 6,620*l.* had been imposed on the county for penalties, which operated as an oppressive and unjust burthen upon the landed interest, and was particularly severe upon the small farmers. The hon. member, after thus stating the substance of the petition, declared, that under such circumstances, he should have felt it his duty to submit a motion to the house for the repeal of the bill, if the subject had not been taken up by the hon. member (Mr. Sheridan), who had given a notice respecting it, and who was far better qualified for the task than he was. At the same time, however, that he felt satisfaction at seeing the business in such able hands, he could not let slip the present occasion of calling the attention of gentlemen opposite, and particularly of the noble lord who had last night spoken on the subject, and intimated an intention of his majesty's ministers to make some alterations in the bill, to the matter of this petition. He was convinced that the measure was impracticable, and that nine-tenths of the landed interest of the country would not be satisfied without the total repeal of it. Experience had proved it totally insufficient to the object which it was designed to accomplish, and in its operation it had been found a grievous, unfair, and unjust imposition upon landed property, and very unequal in different parishes. He had but one observation more to make, and that was,

of last session, respecting the delivery of his answer to the articles of impeachment exhibited against him by the commons, on the second-day of this session, entered the house, and presented his answer at the table, which was forthwith read by the clerk. The averment stated in substance, that "he was in no way guilty of all or any of the articles of impeachment, exhibited by the commons, and which he was ready to prove on a proper opportunity being afforded him by their lordships' right hon. house." A copy of the said answer was, on the motion of lord Walsingham, ordered to be communicated by message to the commons; and also that a sufficient number of copies be printed for the use of their lordships. It was also ordered, that Messrs. Plumer, Adam, and Hopkins, be assigned as counsel to lord Melville, for conducting his defence. A committee was likewise, on the motion of lord Walsingham, appointed to enquire into and report precedents of cases of Impeachments for crimes and misdemeanours.

HOUSE OF COMMONS.

Wednesday, January 22.

[MINUTES.] Mr. John Faue presented a petition from the debtors confined in the gaol of the county of Oxford, praying relief.—Sir W. Geary presented a petition from the debtors confined in the gaol of Maidstone.—Admiral Berkeley presented a petition from the debtors confined in the gaol of the county of Gloucester; and admiral Hervey, one from those confined in the gaol of Chelmsford; which were ordered to lie on the table.—Mr. Ellison presented a petition from the maltsters of Boston, in Lincolnshire, praying certain regulations respecting the malt duty, which would be equally productive to the revenue, and relieve them from certain hardships to which they are at present subject. Ordered to lie on the table.—Mr. W. Dickenson, from the admiralty, presented the several papers moved for towards the close of last session by Mr. Jeffery, and admiral Markham, relating to ships of war, during the presidency of earl St. Vincent at the board of admiralty. Ordered to lie on the table, and to be printed.—Lord F. Spencer, from the committee appointed to prepare the address in reply to his majesty's most gracious speech to both houses of parliament, pre-

sented their report at the bar. The report was brought up, and the address read the first and second time, and agreed to. It was then ordered, on the motion of Castlereagh, that it be presented by the whole house, and that such members of the house, as were of his majesty's council should wait on his majesty to know when his majesty would be graciously pleased to be waited upon therewith. Mr. Sheridan moved, that there be before the house, a return of the number of effective men that had been raised by the act of the 44th of his majesty, in pursuance of an act for raising a permanent additional force, up to the period of the last year together with an account of the number that have been recruited per week, deducting those that have been recruited by parish officers. Also, the number of those that have volunteered from the militia for general service. Ordered. Sir W. Pitt Rivers were also ordered, on the motion of Mr. Sheridan, for Scotland and Ireland.—Mr. H. Thornton presented a petition from G. B. Mainwaring, and several other holders of the county of Middlesex, complaining of the return of sir F. Burdett, bart. to serve in parliament for that county. The hon. member relating the house of the circumstances in which the consideration of a similar petition had been deferred from the last session, and stated, that the petition was only a renewal of the former one. A copy of the petition will be printed in vol. iv. page 1. It was brought up and ordered to be taken into consideration on Tuesday the 4th of February.—Mr. W. Williams, secretary to the commission of naval enquiry, presented at the bar the 12th report of that commission, and made some observations by way of supplement to the first report of the commission of naval enquiry, on a memorial presented to the house by the commissioners of the navy board. Ordered to lie on the table, and, on the motion of sir C. Pole, to be printed.—On the motion of Mr. Alexander, the committee on expiring laws, together with the other standing committees on privileges, trade, religion, courts of justice &c. and the several standing orders of the house were voted.

[IMPEACHMENT OF LORD MELVILLE.] Mr. *Whitbread*, pursuant to notice, moved, that the resolution of the house, respecting the appointment of a committee to inquire into the impeachment against lord Melville, be

ture and importance of that in question. He recalled to the attention of the house, the great and eminent services to their country, which had been rendered by the noble admiral, and the officers, and seamen under his command, to whom it was proposed that evening to vote the thanks of the house. It was that sort of proposition, which every noble lord in the house would feel the greatest pleasure in acceding to. He saw no necessity for postponing the motion, or why it should exclusively come from the noble secretary of state; it was one which might be forthwith proposed by any noble lord; but, in general, such a proposition came from the first lord of the admiralty. The postponement of such a motion was a very unusual thing; in the present instance, he saw no possible reason for the delay, nor was any assigned. Though he thought it incumbent on him to observe thus much, he had no intention, of coming forward on the occasion himself; but he wished that some reason should be given for postponing the intended motion.

The *Lord Chancellor* quitted the woolsack, and shortly observed, that the noble lord in question had conducted himself in every step he had occasion to take in the business, with the greatest propriety and respect towards those who were to be the object of their lordships' thanks; that he himself, and, he was persuaded, all their lordships entertained the highest possible sense of their most invaluable services; and he doubted not, but his noble friend could assign adequate reasons for the proceeding of that night.—The order in question was then postponed. and their lordships adjourned till Monday.

HOUSE OF COMMONS.

Friday, January 24.

[*MINUTES.*] The Speaker, on taking the chair, stated that the house having, pursuant to order, waited on his majesty, with their address on the subject of his gracious speech, his majesty was pleased to return the following most gracious answer: "Gentlemen, I thank you for this dutiful and loyal address. Your condolence on the loss of my late brother the duke of Gloucester, affords a new proof of your attachment to my person and family. Your cordial concurrence in my disposition to cultivate at all times an intimate connection with the emperor of Russia, gives

"me the greatest satisfaction; and the assurance of your unabated vigilance and exertion in the present posture of affairs enables me to look forward with increased confidence to such a termination of the contest as may be consistent with the safety and permanent interests of my dominions."—Lord Castlereagh, adverting to the notice which he had given for this day relative to a vote of thanks to the officers, seamen, and marines engaged in the action off Trafalgar, stated, that as it was desirable to have a full attendance upon such a subject, he felt the propriety of postponing it to another time, when it could be discussed with more convenience to several members. The noble lord, however, intimated his intention of bringing forward this motion on an early day, and stated the probability that he should on Monday next mention the day.—Mr. Paull gave notice, that he should, on Wednesday next, move for the production of a letter from lord Melville, to the chairman, deputy chairman, and directors of the East-India Company, relative to their Indian debt, dated in June 1801. The hon. gent. also gave notice, that on Monday he should move for a few more papers relative to the transactions in Oude, and the appointment of the hon. Henry Wellesley to be lieutenant-governor of the provinces in Oude.

[IMPEACHMENT OF LORD MELVILLE.]

A message from the lords presented at the table, a copy of the answer delivered in by lord Melville to certain articles of impeachment preferred against him by the house of commons. The answer stated, "that Henry lord viscount Melville, saving and reserving to himself all just exceptions in manner and form to the said articles of impeachment, and saving and reserving to himself such privileges as he is entitled to as a peer of the realm, for answer doth allege, that he is not guilty of all or any of the supposed crimes charged in the said articles; and this he is ready to prove. And he submits himself and his cause to that right hon. house; and prays that he may be discharged henceforth, and acquitted of the said charges."

Mr. *Whitbread* moved, that the answer just read from the chair be referred to the committee for drawing up the impeachment; and that they do report their opinion on the same towards the further proceedings to be had in the impeachment.—Ordered.

[HONOURS TO MR. PITT.] Mr. *Henry*

Lascelles gave notice, that he should, on Monday, bring forward a motion which related to a subject that had caused the greatest grief and melancholy throughout the country: he meant the death of that illustrious personage the late chancellor of the exchequer. It was his intention, he said, to move, that some signal mark of public respect should be shewn to the memory of that great man.

Lord Castlereagh, alluding to a motion of which a noble lord (II. Petty) had given notice for Monday, rose to enquire whether it was the intention of that noble lord to bring it forward? At the time the notice was given, he observed that the noble lord did not seem disposed to press the question upon that precise day. As a matter of personal convenience to himself and other friends who certainly would be ill able to enter into the discussion of such a subject on Monday, he hoped the noble lord would agree to a further postponement.

Mr. Far assented to the propriety of the postponement required, for the reasons alluded to by the noble lord. It was no doubt highly desirable that the consideration of the question to which the noble lord referred, should take place on an early day. He knew that it was his noble friend's intention to bring it forward as early as possible, but certainly not on Monday. Adverting to the notice of an hon. gent. (*Mr. Lascelles*) for that day, he submitted whether it would not be more proper to postpone that notice until after the discussion of the motion proposed by his noble friend, which naturally claimed the precedence. He felt, however, that it was not for him to dictate to the hon. gent. But it was for that hon. gent. and those who thought with him, to consider whether the motion they had it in contemplation to bring forward, might not involve points, the discussion of which would more properly belong to the question announced by his noble friend; whether, in fact, it might not be of such a nature as many gentlemen could not assent to, without a gross violation of their public duty.

HOUSE OF COMMONS.

Saturday, January 25.

[*MINUTES.*] *Mr. Parr*, from the African Company, presented the annual accounts of that company, for the year 1804.—*Mr. Meheux*, from the India Board, presented certain papers relating to the nabob of Orde, moved for by *Mr. Paull*.

[*COMMITTEE OF SUPPLY.*] *Mr. Alexander* brought up the report of the committee of supply, and moved a resolution, "that a supply be granted to his majesty for the service of the ensuing year;" which was agreed to. *Mr. Huskisson* then moved, "that the house should, on Monday, resolve itself into a committee, to consider further of the supply to be granted to his majesty."

Mr. Grey said, he should leave it to the consideration of the hon. gent. whether it would be right to proceed so immediately to vote the supplies, under the present circumstances of affairs. At the same time that he threw out this suggestion, it was his wish, that the public business should be forwarded with all the expedition that was possible, and he should be sorry to cause any unnecessary delay, at a time when decision and promptitude were so necessary. He thought, however, that it would not be proper that the house should go into a committee for raising the supplies of the year, at least, until it was known who were to have the management of the supplies when granted, and who were to be responsible for the direction and application of them.

Lord Castlereagh said, that whatever reasons might at present appear to the mind of the hon. gent. to be of sufficient weight, as to induce him to oppose the progress of the raising of the supplies, yet he trusted, that when Monday should arrive, the hon. gent. would not then object to the house resolving itself into a committee of supply, as it was probable that, before that day, such arrangements would be made as would remove the difficulties under which he now laboured, and the objections he had stated. It was a matter for the discretion of the house to consider, whether they could properly grant the supplies in the absence of the chancellor of the exchequer. His majesty had determined to vest that office, for the present (agreeably to former precedents), in the hands of the lord chief justice of the king's bench, whose appointment would be immediately made out. At the same time, his majesty was taking steps for forming a new administration. Under these circumstances, if the house were informed that the lord chief justice was chancellor of the exchequer, in the interim, and until a new administration was formed, they would see that it was not possible to have his attendance in that house. He, therefore, hoped the house would consider themselves war-

ted, under these circumstances, in pro-
ding to the question of the supplies in
absence of the chancellor of the exche-
r. It would be a material injury to the
lic service to delay the supplies in the
liminary stages; but if in the subsequent
es, gentlemen should then consider it
r duty to oppose the grants, they would
e abundant opportunities of expressing
r opinions when the matter should come
re regularly for their discussion: he
ed, therefore, that gentlemen would
oppose the supplies in the early stages,
reserve any objections that they might
e to offer, until they should have made
h progress, as to have arrived to that
e which was the most usual and proper
e to choose for the discussion.

Mr. Fox said, the objection made by his
friend had not at all been answered by
it fell from the noble lord. What the no-
ble lord had said, about the competency of
house to proceed to the vote of supplies,
the absence of the chancellor of the ex-
chequer, was not at all applicable to the
action which had been made. His hon-
our had not objected, on account of the
absence of a chancellor of the exchequer;
because such absence might proceed from a
variety of causes to which no objection
could be made. The present objection was
to granting the supplies in the absence
of a chancellor of the exchequer from that
house, but it was to the granting the sup-
plies when there was no chancellor of the
exchequer, or no first lord of the treasury.
Under such circumstances, the house was
ordered upon to vote supplies, while they
were in the most complete ignorance who
were to have the management of those
supplies, or who were to be responsible for
the manner in which they were to be ap-
plied. He therefore now wished, that it
could be understood, that his objection to
the vote, would not be on account of the
absence of the chancellor of the exche-
quer from that house, nor that the office
had been for a time in the hands of the lord
chief justice, but his objection was, that
before supplies were granted, there
should be some person appointed,
who should be subject to all the responsi-
bility of the management of them, and who
could be liable to be called to that ac-
count for their application, which the house
had a constitutional right to expect and
demand.

Lord Castlereagh thought, that the an-
swer he had given was sufficient to meet
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the objection of the hon. gent. (Mr. Grey).
What he had said was this, that the sup-
plies, although forwarded in the early stage
at which they would be presented on Mon-
day, would not have made such progress as
to be put in any tangible shape, by the
house merely agreeing to the preliminary
steps for raising them. In the progress of
passing them, there would be time enough
to see into whose hands they were to pass,
and to offer any reasons that might then
occur against the granting of them; but, to
oppose them in the first instance, *in limine*,
would be a course altogether unusual, and
which would, in the present instance, be
highly prejudicial to the public service.
The office of chancellor of the exchequer
was, for the present, to be vested in the
lord chief justice, who, with the office,
took of course all the responsibility of it.
The house might be assured, that it was
the intention of his majesty, without de-
lay, to take measures for forming a new
administration.

Mr. Grey repeated, that his objection
was not to the absence of the chancellor of
the exchequer, but that there was no person
responsible for the application of the sup-
plies to be voted. As to the observation
of the noble lord, respecting the embar-
rassments, and public injury, that might
result from any delay, that consideration
would certainly have as much weight as it
merited, when the subject should come to
be fully discussed. What he intended to
press upon the house was, that they should
not grant the supplies until they knew into
whose hands they were to pass, and who
were to undertake the responsibility of
their application.—The resolution was then
agreed to, that the house should resolve
itself into a committee of supply on Mon-
day.

HOUSE OF LORDS.

Monday, January 27.

[MINUTES.] The duke of Gloucester
was sworn, and took his seat, on his ac-
cession to the peerage, in consequence of
the demise of his father, the late duke.—
The earl of Jersey was sworn, and took
his seat on the same occasion.—Earl Darn-
ley adverted to the notice he had given on
a former evening, respecting the Additional
Force act. Of that measure he retained
the same sentiments of disapprobation, and
which, in fact, were fortified by progres-
sive experience. It was in the recollection

of their lordships, that he was the first who brought forward a motion for the repeal of that act. His intended motion, however, he was at present induced to suspend, in consideration of the state of public affairs at the moment.

[*VOTE OF THANKS TO THE NAVY.*] Lord Hawkesbury stated, that not being able to attend in his place on a former day, on which he had given notice of his intention to move for the thanks of that house to lord Collingwood, and the officers, &c. under his command, he had requested a noble friend (lord Walsingham) to move that the order for that day should be discharged; and to state, that on the next day of the house's meeting, he should attend in his place and renew his notice. In doing this, he trusted all their lordships would give him credit, that he could not, in the least, be actuated by any motives of disrespect, or the slightest abatement in a due sense of the inestimable and meritorious services of the noble admiral in question, and the gallant officers and seamen under his command; on the contrary, he was highly desirous to bring forward the motion, on the first moment his avocations, or the pressure of important business would allow him. Under this impression, he then gave notice, that he should, to-morrow, bring forward his motion for the thanks of the house. His lordship then moved, that the lords be summoned for to-morrow; which was ordered accordingly.

The Duke of Clarence begged to offer a few words to their lordships on the occasion. It had, he observed, been his intention to have given notice, for the first open day, of a motion similar to that of which the noble lord had just now given notice, if such a proceeding had not taken place. Motives of intentional disrespect, or a desire to do any thing unpleasant, did not exist in his mind. When he considered the situation which the noble lord had the honour to hold in his majesty's councils, he was probably a more proper person to come forward on such an occasion than himself. His own motives, for what he had proposed to do, were of a two-fold nature: the first was, a conviction that it was incumbent on the country, on the very earliest opportunity, to express their grateful sense, in the strongest terms, of the great and important services of these noble officers, and the different officers and men under their command, who achieved the glorious victory of the 21st of October, and of which, he

was sensible, they all felt the advantage. The second consideration which he actuated his mind, and which would continue to the last hour of his life, was the friendship and friendship he entertained for that glorious hero, who had led on the fleet to a memorable victory. With these he was impressed during twenty-three years of the forty-seven which that hero lived with him with the intimate brother. Thus, the feelings of friendship co-operated with those of principle and duty, in determining to propose to their lordships to come to a vote as he had alluded to. As he then stood, he felt no objection to way to the noble lord, who had expressed his intention to bring forward his motion to-morrow.

HOUSE OF COMMONS.

Monday, January 27.

[*MINUTES.*] A new writ was ordered to be issued for the election of a burgoes in parliament for the University of Cambridge, in the room of the right honourable William Pitt, deceased.—Mr. Jefferson gave notice, that he would, to-morrow, move for the production of certain papers, be discharged.—A petition presented from the debtors confined in the castle of Chester, praying for relief from the petition of the maltsters and makers in the town and county of Monmouth presented and read; setting forth, that an act of the 42d of his present majesty relative to the making of malt, is productive of the most injurious consequences to the manufacture, and subjects the farmers to great difficulties and hardships, and does not afford any adequate advantage to the consumer. Ordered to lie upon the table.

[*AFFAIRS OF INDIA.*] Mr. Paull moved that the papers ordered by the vote of the house on the 25th and 28th of June be printed for the use of the members, which was accordingly ordered. After a short pause, the hon. gent. rose again and said:—No person, sir, can be more convinced than I am, of the inutility, inexpediency, the danger, of moving many papers relative to any transaction more especially, if connected with the still, however I may deprecate the question of so much importance under the necessity of moving for

more papers, important in every point of view, and essentially necessary for the ends of substantial justice. But, sir, these are the last papers I shall call for, to support the two charges I have already given notice of; and when the papers I formerly had the honour to move for, are printed, together with the additional papers that I am to call for this evening, no time shall be lost, on my part, in bringing direct and positive charges of criminality against my lord Wellesley. As the papers are not to be objected to, it is not necessary for me to take up much of the time of the house. Suffice it to say, that to insure the support of those gentlemen on this side of the house, and the aid and countenance of many honourable, disinterested, conscientious gentlemen on the other, I shall produce a charge, copied almost verbatim from the articles of impeachment voted against Mr. Hastings, by a strong, overpowering majority of this house, at the head of which was the late Mr. Pitt. I move, "that there be laid before this house,

1. Copy of a treaty concluded between the marquis Cornwallis, then governor-general of India, and the late vizier Assul ul Dowlah, in 1787;
2. Copy of the dispatches of marquis Cornwallis to the court of directors, or secret committee, on the conclusion of that treaty; together with a copy of his lordship's instructions to Edward Otto Ives, esq. on the same occasion, he then being resident at the vizier's court;
3. Copies or extracts of the general letter from the court of directors or secret committee to Bengal, approving of the treaty and lord Cornwallis's conduct on the occasion.
4. Copy of a minute of sir John Shore, now lord Teignmouth, late governor-general, dated in June or July 1796, removing G. F. Cherry, and appointing John Lumsden, esq. resident of Lucnow.
5. Copy of a minute of the marquis Wellesley, late governor-general, removing the said John Lumsden, and appointing col. W. Scott resident at the court of the vizier.
6. Copy of any minute or appointment empowering the hon. Henry Wellesley, then private secretary to the governor-general, to proceed to Lucnow, accompanied by Graeme Morier, esq. as his assistant, or secretary, in 1801; and an account of any sum or sums of money drawn by the hon. Henry Wellesley, whilst at Lucnow, or by those employed under him, whether as salaries, establishment, or durbar charges, where drawn, and the authority for such

payments. 7. Copy of a letter written by lord Wellesley, or under his authority, to col. William Scott, resident at the court of the vizier, announcing the special mission of the hon. Henry Wellesley to Lucnow. 8. Copy of all correspondence between marquis Wellesley, whether in his capacity of governor-general or captain-general, and lieutenant-general Gerard, now lord Lake, from July 1801, to the conclusion of the treaty of Lucnow, with copies of lord Lake's orders to major-general Frederick St. John, commanding the station of Cawnpour, major-general Robert Stuart, commanding Futty Ghur; with copies of their orders to the other officers commanding corps and stations in Oude, for putting the forces in readiness to march at the shortest notice, from July 1801 to Nov. in the same year.

Mr. *Whithead Keene* cordially seconded the motions of the hon. member, to whom the house and the public, he conceived, were much indebted, and for whose talents he entertained great respect. He doubted not but that his motives were pure and honourable, and such he hoped ever to find them.

Mr. *Paull* trusted the house would excuse him for saying a very few words regarding himself. He assured the hon. seconder, the house, and the public, that he dared the breath of calumny to impute to him, with justice, any motives but those of a public nature. He bore no animosity to lord Wellesley personally, he would exert his honest endeavours to prosecute him to conviction, as the enemy to the happiness and prosperity of India, and to the best interests of the mother country; he could consider him in no light but that of a great state delinquent, in the situation that Mr. Hastings stood on his return from abroad, with this essential difference, that what was undefined crime in the case of Mr. Hastings, was positive criminality in the case of lord Wellesley. The latter could plead no error in judgment, no ignorance of the laws of his country, having been a member of the British parliament when the articles of impeachment were voted against Mr. Hastings. One word more, said the hon. gent. and I have done. I stand, sir, proud of acting with the party to which I belong, and I take this opportunity of declaring in the face of this house, that with the Nabob of Oude, or with any potentate on the continent of ill-fated India, I am as unconnected as with

the emperor of France, nor will I allow with impunity insinuations calculated to injure, through me, the cause of truth and justice: the unfairness of such aspersions, no man knows better than marquis Wellesley himself.

Sir T. Metcalfe said, that similar motions to those now brought forward had led to nothing but great trouble and enormous expence. He trusted, therefore, that the house would pause before it would consent to grant papers, under such circumstances, to any individual, however respectable he might be. This was one objection he felt to the motions of the hon. gent. There was another too, which equally weighed within his mind. The papers, that had already been produced, had got into the hands of translators, through whom the French government had obtained the information they contained; a circumstance that had proved materially prejudicial to the interests of the Company. The importance of it to the French government was such, that Bonaparte would have given half the revenues of France to have obtained it. Besides, he should ask, whether the present was a proper time to agitate such questions? Under the influence of these objections, he should feel it his duty to divide the house. When a member was conscious of being actuated by a sense of duty, he should not be ashamed to avow his feelings. The hon. gent. had said, that the papers, when produced, would criminate the conduct of the noble marquis; but this he begged leave to deny, as he was convinced in his conscience that no one of them would affect the public or private character of that noble lord; and if it were possible for him to attend in that house, he was sure he would say in reply to the motions, 'give all the papers.' Besides, it would have the most dangerous effect, if it should be thought on the continent of India, that all the treaties and engagements that had been entered into with the native powers, could be rescinded by a vote of parliament. It was certainly competent to parliament to enquire into the conduct of the marquis Wellesley; but this was not the time, and for all these reasons he should certainly take the sense of the house.

Mr. Francis said, he was not in the house when the motions were proposed; but as in adverting to the mischiefs that had arisen from similar motions, the hon. baronet seemed to allude to those made by

himself, he felt it necessary to say words. If any mischief had arisen the production of the papers he had in for, it was chargeable only on the board of controul, which had the power of deciding which of them might be produced for safety, and was at liberty to withhold as could not be published, consistent with the public interest. As to the objection respecting the expences that attend printing the papers moved it might have some weight with some minds; but it was not to be tolerated at that house, when an enquiry was instituted respecting the management of affairs of India, the revenues of which were estimated at fifteen millions. In respect to his own opinion of marquis Wellesley's conduct, he had stated to the house and to the country, and a reason to alter it. He was not to be or intimidated into an abandonment of principles. The hon. baronet had said that considerable danger arose from intelligence derived to the enemy from the publication of these papers; it was of opinion that the enemy had got more information from marquis Wellesley's intercepted correspondence, which had been published in the *Moniteur*, and towards translated into all the London papers, from which only the public obtained the information, though the contents of the correspondence ought to have been before transmitted direct to the government of the India Company. He was not at any danger that could be apprehended from the production of the papers, and there had been no objection to granting them on that score, he agreed to the declaration of the noble lord head of the board of controul. The noble lord had said that he saw no objection to their being produced.

Mr. Paull said, the conduct of the hon. bart. excited his utmost astonishment and an astonishment not unmingled with degree of indignation. Did the hon. bart. mean to crush this business by a side issue? If he did, he was very much mistaken. The refusal of the papers would avail marquis Wellesley nothing. My wish, sir, is to accompany the hon. gent. in his assertion, which the hon. bart. seems to prevent; but opposition can only come more zealous, an opposition of this sort, an opposition completely unforeseen and unexpected; the noble lord who presides at the board

controul, to whom I fairly and candidly submitted the list of the papers, told me there could be no possible objection to the production of the papers I have this night moved for. An hon. member of the same board, whom I am happy to see in his place, will do me the justice to confirm this assertion, if confirmation was at all necessary.

Mr. *Wallace* corroborated the statement of the hon. gent. and could see no reasonable objection to the production of the papers. He, however, wished the hon. gent. would omit in the last motion the words "secret service money," and allow "Durbar charges" instead.

Mr. *Paull* replied he could have no possible objection, provided "the secret service money," if any, was included under the head of "Durbar charges." He did not stickle, he said, for terms, provided the substance was the same; he looked only to substantial justice between lord Wellesley and the public; and, in conclusion, added, that nothing could deter him from proceeding in the line of conduct he had laid down for himself.—The sense of the house being decidedly in favour of Mr. *Paull's* motions, sir T. Metcalfe withdrew his intention of a division, and the whole of the papers were accordingly ordered and agreed to.

[FUNERAL HONOURS TO MR. PITT.]—Mr. *Henry Lascelles* rose, and spoke to the following effect:—Sir, in rising to submit to the consideration of the house, that motion of which I gave notice on a former occasion, it is my most anxious wish so to conduct myself in this melancholy business, as to avoid giving any occasion for the discussion of points, on which there has been a considerable difference of opinion; or for at all reviving those political animosities which we have had too often occasion to regret. I should be unwilling to disturb the manes of that great man by dissensions. I mean now simply to propose, that which I am sure the country anxiously expects, that some signal mark of our respect and gratitude shall be paid to the memory of that illustrious character, whose loss we have now to deplore. I am sure that this sentiment is generally felt throughout the nation. I have every where witnessed the feelings of the deepest regret upon this melancholy occasion. We have lost a man of the purest and most disinterested patriotism, of the most exalted talents, whose energy and whose firmness

have, in times of the greatest difficulty and danger, been eminently serviceable to his country. Under these circumstances, I have wished to avoid entering into the details of his long administration, or mentioning any thing which could provoke a discussion respecting any separate and insulated part of his conduct. Upon this occasion, I propose to the house to take as a precedent, the honours which were paid by a former parliament to the memory of his illustrious father, the great lord Chatham. I think that it is provoking no difference of opinion to say, that his son was at least as great a man as he was. I, therefore, intend to adopt the very words of that precedent in the motion with which I shall have the honour to conclude. There is only one observation that I wish previously to make: as I happened not to be in my place, on a former night, when an hon. gent. (Mr. Fox) suggested that it would be proper to postpone the consideration of my motion, until another discussion should have taken place, I must now say, that my motion is founded on the review of a long administration of upwards of twenty years, during which the exalted personage whose loss is so much felt and lamented, enjoyed the approbation of the country. With this impression I thought it would be improper for me to postpone a motion, the ground of which was the general character and conduct of the object of it, merely on account of the possibility of discovering some error in his administration upon the subject of treaties, which are not yet in possession of the house. I shall therefore conclude with moving, "That an humble address be presented to his majesty, that his majesty will be graciously pleased to give directions, that the remains of the right hon. William Pitt be interred at the public charge; and that a monument be erected in the collegiate church of St. Peter, Westminster, to the memory of that excellent statesman, with an inscription expressive of the public sense of so great and irreplaceable a loss; and to assure his majesty that this house will make good the expences attending the same."

The Marquis of *Titchfield* rose to second the motion. He had opposed the measures of the right hon. gent. during a great part of his political career, but was not, however, disposed to refuse any consistent mark of respect, as a tribute to the integrity of his character, and his rare and transcen-

dent talents. He would not be understood, in voting for this motion, to mean any condemnation of the line of conduct he had himself pursued, whilst opposing the measures of the right hon. gent. now unfortunately no more. He had since acted with that right hon. gent. but though ranked amongst his political friends, he had not enjoyed his private friendship. In the support he gave to the present motion, he was actuated solely by his admiration of his virtues and extraordinary talents, which might be justly appreciated without the advantage of familiar or friendly intercourse. He thought the house called upon to pay some signal mark of respect, in this instance, by perpetuating the memory of a member so able, so eminent, so distinguished, and disinterested.

Lord *Folkestone* rose, and said: Mr. Speaker, I cannot, consistently with my feelings of public duty, agree to the motion which you have just read; I greatly commend the manner in which the hon. gent. has brought it forward, and in opposing it I will endeavour to follow his example, to avoid ripping open old sores, renewing ancient differences, and bringing on discussions which will be disagreeable to all sides of the house. With this view I will merely state, that as the hon. gent. in a general view of the whole administration of Mr. Pitt, thinks he has rendered the country such service as to deserve so signal a mark of gratitude and respect as that which he has proposed, I, on the other hand, taking his whole administration into view, and considering the state of the country as it came into his hands, and that in which he has left it, cannot agree to acknowledge any service, and therefore must refuse my assent to the motion; and I feel this, sir, so strongly, that if any one other gentleman thinks with me on this subject, I will certainly count out the house upon this question.

Lord *Lovaine* was so completely convinced of the great and brilliant talents of the lamented object of the motion, that he could not content himself with giving a silent vote on the occasion. He most heartily concurred in the motion.

Mr. *I. H. Browne*, said he had had the honour of a seat in that house, during the whole period in which the right hon. gent. whose memory was now proposed to be honoured with some signal mark of the approbation of the house, had presided in the administration of affairs. During the whole

of that period, he had supported a measures brought forward by that hon. gent. as best calculated to promote the essential interests of the country was difficult for him to point out a stance in preference of the eminent se rendered by him to the state. He raised the public credit in an unexampled degree, of which the house would be fied on his stating a single case. The lic funds, when the right hon. gent. came to office, when the country was in a profound peace, without an enemy i rope to apprehend, were not so high as were at present; after all the horrors of the French Revolution, and while the country was engaged in a desperate and expensive contest. [loud coughing.] He should detain the house longer from the qu for which their feelings seemed to be tient. Every gentleman would suggest himself a criterion of the transcendent merits of this great man; but, for his part, he should, without entering into the subject, content himself with case he had pointed out, and conclude with applying to that great, that admirable statesman, what he said of Augustus Cæsar, "that he Rome wood, and left it marble."

Mr. *Hiley Addington* said, that not without very great reluctance, he obtruded himself on the house for one moment on this occasion; a mourn to him, as well as to every individual in those walls, and to the country as a whole. To the question, as proposed by the hon. gent. under the gallery, he should dissent, so far as it related to those particulars of the distinguished individual, the loss they were all deploring, the loss which he had had the means of estimating the eminence and splendour of which one was more ready to admit than another, and which it had been the pride and happiness of a great part of his life to have reported in that house. To more measures he hardly thought it necessary to advert, as they would probably be submitted to the consideration of the house, and on which neither he nor others were as yet qualified to form a judgment. With this explanation, he hoped would not be considered detracting from his satisfaction in that that he was about to give, the motion had been made met with his most approbation and concurrence.

Mr. *W. Smith* said, he felt how

sant a situation any gent. would be placed in, who should oppose a motion brought forward and seconded in the same manner as the one then under discussion. But he also felt, that, consistently with his sense of public duty, he could not accede to it, and painful as the performance of such a duty must be, he could not shrink from it. The performance of his duty, in the present instance, was the more painful to him, as he extremely regretted the loss of the eminent and distinguished person who was the object of the motion. No gent. who had opposed that right hon. gent.'s measures, nor any friend who deplored him, could more sincerely regret his loss. He too had had the honour of a seat in that house during nearly the whole of the time that right hon. gent. had been in office. He had, during that time, frequently witnessed the exercise of his great talents and transcendent powers, which he had often contemplated with admiration and awe. He felt one ground of objection to the motion on public principles. In the motion the right hon. gent. was represented as an "excellent statesman." If he were called upon to vote thanks (thanks unfortunately could not now be voted); but if he were called upon to vote some mark of respect to his memory for his disinterestedness as a statesman, he should readily concur. But when he was to vote this mark of respect to the right hon. gent. as an "excellent statesman," he thought himself bound to consider whether that character belonged to his measures and administration. With a view to such estimate, he knew of no criterion but a consideration of the state of the country at the time he came into office, of his conduct whilst in office, and of the present state of the country. However, this would occupy too much of the time of the house. Every gent. would make the comparison in his own mind, and deduce a result for himself. The result in his mind, was, he confessed, unfavourable to the right hon. gent. But he had another objection of a more private nature to the motion, and which applied particularly to himself. He had been placed in the situation which he filled in that house by the suffrages of a large body of men, who certainly did not consider the right hon. gent. as an "excellent statesman." They had elected him, because they thought his principles honest, and that he would oppose that right hon. gent.'s measures. How could he then return to his constituents

after such an approbation of the right hon. gent.'s wisdom as a statesman, which so directly contradicted his former opposition to his administration? He gave the hon. gent. who brought forward the motion, every possible credit for the honourable feelings by which he was actuated, and for the very candid manner in which he had introduced it. He believed he really thought the right hon. gent. "an excellent statesman;" differing, however, with him, as it was his misfortune to do, he could no more give up his opinion to the hon. gent. than he could ask the hon. gent. to acquiesce in his; and, thus situated, he could not do otherwise than give his negative to the motion.

Mr. *Pytches* said, he had hoped, that the supporters of the right hon. gent. who was the object of the motion, and his abettors, would have appeared on this occasion with becoming silence and desolation. He had, as much as any man, admired the brilliancy of that right hon. gent.'s expression, and the electricity of his elocution. He was not however in despair respecting the emanation of some sparks from his genius. He was in hopes that the house would produce as eminent talents, when he contemplated the large spreading shrubbery of genius which was shooting up.

Sir *R. Buxton* said, that when he heard his hon. friend give notice of his intention to bring forward the present motion, he thought there could be but one sentiment on the subject, on either side, or in any part of the house, or of the country. He expected from the other side of the house, that when that great man was gone, opposition would be gone also. He had, however, been grievously disappointed; and, to his great surprise, found that the same system followed him beyond his mortal existence. He was sorry to find, that so many hon. members in that house refused to pay the tribute of gratitude to that illustrious character, whose magnificent talents, while they reflected the highest honour on the country which produced them, had contributed so essentially to its interests and prosperity. The reputation of that illustrious ornament of his country, however, would not depend upon the extent of the majority by which this, or any such motion might be carried; his fame would go down to the latest posterity connected with the history of his times, attested by the records of parliament, and immortalized by that constitu-

tion which he had saved. His remains might crumble to dust in his grave, but his reputation would live in the admiration of a grateful posterity.

The Marquis of *Douglas* lamented, that there should have been any discussion on a subject which could not but create a difference of opinion. Had the ashes of the departed minister been suffered to have remained in peace, the house would have continued grateful for his services. He considered that the first principle upon which public reward was founded, was success. It was not sufficient to say that a man possessed great abilities and great personal integrity; the country expected something more; they necessarily looked to a happy result, and that alone constituted the strength of public feeling. He did not think that any comparison could be drawn between the earl of Chatham and the late minister, which would justify the same honours being conferred on the one as on the other. If he adverted to the state of the country after the seven years war, and at the present period, he should find the comparison materially to the disadvantage of the administration of Mr. Pitt. It was but a very short time since distinguished public honours had been paid to the memory of a departed naval hero. He wished to ask, whether the crowd would have followed his remains to the grave if he had lost a British fleet? Success was necessary to crown every action for which public applause was demanded. The idea of the excellence of a statesman must involve all the virtues that belonged to his situation, and therefore he should ill discharge his public duty, if he consented to give a tribute of applause where he was not satisfied it was due. He wished not to stir up the ashes of the dead, but rather to walk over them with respect. He could, if he were so disposed, take a review of the situation of our finances; he could even advert to a transaction of the last session, wherein a noble lord now suffering under the censure of the house, had been protected by the right hon. gent.: but upon these he did not wish to enlarge. He had clearly and simply discharged his duty, and should sit down with giving his negative to the motion.

General *Tarleton* said, that he had frequently acted in opposition to the measures of the right hon. gent. who was the object of the present motion, and whose

loss he very much deplored; but a chief objection to the motion seemed that these honours should be withheld till the judgment of the house was made on the subject of his conduct for the six months, he, for one, was of opinion that the last six months of his administration were the most brilliant of his life, and therefore he would vote for the motion.

Earl *Temple*.—I rise, sir, in order to press in a very few words, the reasons which lead me to support this motion. I trespass but a very short time on the attention of the house; and, perhaps, the present occasion, it would have come me better to have sat silent. Withstanding it was my fortune to occupy the latter part of the administration of that right hon. gent. yet I feel happy in giving my amplest testimony to those ascendant talents which he possessed, which, from a very early period of life, were devoted to the service of his country. I have also great pleasure in bearing witness to that purity and integrity which he preserved throughout his administration. In giving my support to the present motion, I am convinced I am expressing the same sentiment which is entertained by every person in my family, who, connected with him by the ties of relationship, may be supposed to feel most deeply for his loss.

Mr. *Windham* rose and spoke as follows.—However painful I may feel the situation in which I stand, I feel that there is imposed upon me that I am bound to discharge. Nothing can be more easily satisfactory, than to comply with the advice which has been given to all parties not to let their political hostilities be carried to the grave, and that on such an occasion as this, they should be forgotten. For my part, the only duty I should find in complying with the advice is, that I have no political animosities to bury. Although I join in admiration of the great talents of the right hon. gent. who is now no more, I think that those talents cannot be said to have been fortunate in the result. I must observe, that by the constitution of this country, and, indeed, by the constitution of every nation, at all times, these ordinary honours are only conferred where there is a certain union of merit and success. This should not be considered as a mere question of feeling, but it

be considered whether the honours proposed to be granted are customary, or whether they are strictly merited. There is a sort of fortitude on which men sometimes pride themselves,—the fortitude of bearing well the pain of others: there is a sort of generosity also, that loves to indulge itself at the expence of others' feelings; let us take care in the present case, that we are not indulging our generosity at the expence of our public duties. I know of no function requiring to be discharged under a sense of more solemn obligation than that which relates to the adjudication of national honours; these are claims not to be decided by a momentary feeling, but by a strict and impartial examination of the merits of the case. Let us understand the nature of the proceeding in which we are engaged; let us know upon what ground, the supporters of this motion mean to rely. Do they mean to say, that the greatest honours that the nation has to bestow, should be always given to splendid talents exerted in the service of the country; or would they mean to make a distinction, and only give them to men of great talent, who happened to be in public offices? It appears to me, however, that great talents, exerted in the service of the country, are as well entitled to a high reward, if the possessor should not happen to have been in public office, as if he had. Let us see how far this principle leads: it is said, you give the chief honours of the nation to those naval and military commanders who gain important victories; and why not to those who guide their operations? Must not their talents be presumed, at least, as great? Now, sir, this can be easily answered. An important victory is generally a thing that admits of no dispute, no deception. The general who routs an enemy's army, or the admiral who destroys his fleet, leaves no doubt as to the service that he has performed, and is therefore, by the unanimous opinion of every body, considered as an object of high honour. When, on a late occasion, these honours were paid to an illustrious admiral, all ranks and descriptions of people, the noble and the mean, the rich and the poor, the enlightened and the ignorant, all felt equally that those honours were due, and every heart vibrated to the general expression of national gratitude and respect. No man can mistake or misrepresent such actions as those; they

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are not brought forward to answer any party views, or upon false pretences. It is for these reasons that there is a general concurrence in all countries to reward services of that description. Upon services of such a nature there is always almost an absolute unanimity of opinion; but how can it be expected that there will be any thing like an unanimity of opinion, when the question is concerning the merits of a long political life? It is for this reason that all nations make a distinction between the rewards given to a successful commander, and to the minister under whom he has gained his success. But if it will be said, that transcendent abilities, long and important services, long experience, and application of the mind to the important interests of the country, should claim as high a reward as is given to the most successful admirals or generals, I shall then ask, where were all those qualities and endowments more conspicuous than in the late Mr. Burke? Mr. Burke, however, was not honoured with a public funeral. And yet Mr. Burke was inferior to no man in the splendour of his talents, nor in the purity of his mind, nor in genuine and disinterested patriotism, nor in long experience and devotion to the public service. Where then is the difference of the cases? Do gentlemen mean to rest it entirely upon this, that men of splendid talents and endowments, if they happen to be in office, are entitled to the highest rewards a nation can bestow; but should they be out of office, they are not entitled to honours, although they should serve their country with equal zeal, integrity, and ability? In general I should say, that the presumptions were in favour of him who had served his country out of office, official situations being those which men may covet from other motives. In every point of comparison that could be made, Mr. Burke stood upon the same level with Mr. Pitt, and I do not see the reason for this difference. If the objections to Mr. Burke's having a public funeral had proceeded from my hon. friend (Mr. Fox), or those who voted with him in those times, I should not have been surprized: they might have conceived that bestowing such honours on a man who differed diametrically with them in opinion at that time, would imply a condemnation of their own conduct. But that was not the case; it was not from them that the objection came, but from gentlemen on the other side of the house, who took Mr. Burke as

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the leader of their opinions, who cried him up to the skies, who founded themselves upon what he had done, but who were afraid, that if they consented to such honours, it would appear as if they approved of all the sentiments of that great man, some of which were, perhaps, of too high a tone for them to relish. They, therefore, would not, at that time, have agreed to a resolution which would have declared Mr. Burke an excellent statesman. When the French revolution broke out, it not only broke up the whole system of European politics, but it broke up, at the same time, many of the dearest connections which had united men in ties of private, as well as political friendships. I then differed upon that subject materially from the opinion of my hon. friend (Mr. Fox), and being, in a great measure, induced by the authority, and pressed indeed by the instigation, of the great man I have mentioned (Mr. Burke), I connected myself with the administration of which Mr. Pitt was at the head. It is not to be supposed, that because I joined his administration, that I necessarily approved of every part of his system. The question with me was, whether, upon the whole, the forming that connexion, was not the most likely way to promote those objects, which, in my opinion, were desirable to be obtained. Whether in so doing, I judged right or wrong, or whether now, after the event, my opinion remains the same as it was before, are questions that are of little consequence. If I were to divide the whole of the political life of the distinguished person here spoken of, into two distinct periods, one the period before the breaking out of the French revolution, and the other the period subsequent to that event, and that I were called to declare, whether I thought that either, separately, or both conjointly, were of a sort to call for the honours now proposed, or to justify the character, ascribed in the resolution, of an "excellent statesman," I must say, no. I have no wish to bring forward my opinion in that respect at the present moment; but, when compelled to declare myself, I must say what I think. I cannot consent to pronounce an opinion different from what I think the true one, and thus to contribute to mislead both the present time and posterity on a period of our history which it is most important for them to judge rightly of. With the fullest acknowledgement both of the talents and virtues of the eminent man in question, I

do not think, from whatever cause proceeded, that his life has been ben to his country. For the earlier part including the commencement of his I must contradict every principle, ever maintained, if I said that it w For the succeeding period, the grea which a statesman was ever called I cannot say, that he acted his part g I do not judge merely from the though the event, for the present p might be all that need be considered French revolution was, indeed, a in which vessels, the best formed, ar ducted with the greatest skill, migh founder: but, what I mean to say, i in my opinion, the vessel was *not* con with the greatest skill, and that it is human probability, to the fault of th that we are to ascribe our present situation. This is no new opinion part: I must think so, if I th I have always professed to de the other great man that I have to, Mr. Burke.—I think it ne to say thus much, in order to fi self from a supposed charge of sistency, in denying generally, the of a minister, with whom, for a consi time, I had acted. But all that w sult from this denial is, that the p which I agreed, did not outweigh, opinion, those in which I differed. stated, however, already, that even parts in which I agreed, my ag was only qualified. I agreed, as spect to my hon. friends near m whom I totally differed; but, as spect to the opinion of Mr. Burke, be considered as widely differing. I that I feel it painful to oppose the but, I must say, that honours, o nature as is now proposed, ought n given hastily, from any momentary but from a full conviction on the each person who consents to the they are strictly merited, not by the sion merely of talents and virtues great and essential services, rende acknowledged to have been rend the state. Can this be stated to be in the present instance? An ho (Mr. Hawkins Browne) has cited rishing state of the finances and co of the country, compared with w were twenty years ago, as a decisi of what we owe to the eminent s that we have lost. But, woe betid in these times, we measure the pi

im back?—My great objection to
 the honours now demanded, is
 that has not been the usage of this
 country, or of mankind in general, to
 give the highest rewards, unless in cases
 where merit has been crowned with suc-
 cess. Of the many admirals who have
 been rewarded with the peerage, in every
 instance there was a certain share of suc-
 cess as well as of merit. If Lord St. Vin-
 cent had lost half his fleet in the action
 against the Spaniards, or Lord Nelson been
 killed, either at the battle of the Nile,
 or Trafalgar, although the highest ex-
 pression of courage and talents had been
 shown, the same rewards would not have
 been given. Lord Nelson displayed as
 much courage and enterprize at the unsuc-
 cessful attack of Teneriffe as in those glo-
 rious victories; but if he had lost his life
 at Teneriffe, it can hardly be supposed,
 that he would have been honoured with
 a funeral as was given to him when he
 returned with the arms of victory. Now, as to
 the speech of Mr. Pitt, it must be allowed
 that a change in the state of this country
 since the death of Mr. Pitt, during his time, has been
 great, and that the last periods of his
 life have been the most disastrous. Can
 we, in the face of these facts, in the midst
 of every ruin, which his last measures
 have brought on; whether by his fault or
 otherwise, not enquire; decree the highest
 honours, that a grateful nation can render

the great and solemn privilege we possess
 with the most mature deliberation, and
 that we should not, contrary to the usual
 practice of this and every other country,
 give the highest honours of the state to
 mark the memory of a minister, who,
 though possessing talents as great as ever
 appeared in any age of the world, a cha-
 racter and frame of mind fitted for every
 thing most arduous, and feeling, as must
 have been the case, a strong desire that the
 country should prosper in his hands, was
 unsuccessful in the result, and will not, I
 fear, be recorded to posterity, as having
 advanced the real interests and the cha-
 racter of the country.

Mr. R. Ryder said, the speech of the right
 hon. gent. who just sat down, had made
 on his mind so deep an impression, that he
 could not refrain from expressing his utter
 astonishment. The right hon. gent. had
 made such allusions to the political life and
 conduct of the illustrious statesman, now
 no more, as could not fail of calling to the
 recollection of the house, the political con-
 duct of that right hon. gent. himself, when,
 at the most critical period ever experienced
 in the history of this country, he had se-
 parated himself from his oldest and most
 intimate political connections in that house,
 taken a seat in the same cabinet, and fought
 the same battles, for a series of years, with
 that illustrious statesman, by whom the
 constitution of this country was preserved.

gard of every natural and every moral feeling; but, for the sake of the happiness of the world, he trusted that his conduct would operate rather as a warning to deter, than an example to be followed. The right hon. gent. as well as another hon. friend of his, who spoke early in the debate (Mr. W. Smith), appeared totally to have misunderstood, or misconstrued the object of the motion; for it was emphatically impressed by the hon. member, who had this night brought it forward, and expressly desired to be understood, as not binding any man who should vote on this question, to any opinion whatever, upon any other topic that might be hereafter the subject of discussion. But surely, no man in that house, however different his political principles might be to those of the illustrious statesman, now no more, could fairly feel his principles implicated, in acceding to a signal mark of public respect to the memory of that great man, the purity of whose moral character, the splendour of whose talents, the sincerity of whose zeal, and the importance of whose services to his country, every man, in and out of that house, must acknowledge. The question was not, whether such a mark of public respect should be paid to his memory, because he had held the confidence of his sovereign longer than any former minister had done; nor for the important space he filled in the eyes of Europe, but for the great character which, upon the whole, he had sustained; a character as honourable to the age in which he lived, as it was ornamental to his country; and the loss of whose talents, in the event of his death, presented one of the most durable causes of sorrow in every part of the empire.

Mr. *George Ponsonby* rose, and spoke as follows:—I feel, sir, most sensibly, a high degree of reluctance in rising to oppose the motion now before the house; and, I am persuaded, it is the wish of every liberal mind, that however men may have differed in political opinions from the right hon. gent. who is the subject of this discussion, all animosities, that have heretofore existed, should now cease: and, if the motion of the hon. member had been merely to express sentiments, on the part of this house, favourable to the moral character and good intentions of that right hon. gent. I should most cheerfully have acceded to the motion. But the question really goes, in my understanding, to pledge every man, who votes for this motion, to approve the measures

which that minister pursued: so far, ever, am I from approving those measures or wishing their continuance, that I sincerely hope the system will be buried in the man. When I am called upon to vote with approbation, the political life of a minister, whose measures it has been uniformly the fortune of my political opponents, by voting to his memory the honours that ever a country could bestow upon a patriotic statesman, I am bound to examine, whether the system he pursued was such as to deserve such a valuable distinction. But when I consider the situation of this country, when first the direction of its affairs was entrusted to his hands, on the commencement of his public life, with that in which it was left at the moment of his death; when I compare the situation in which Europe stood then, with that in which she stands now, in respect to France, at least, I find nothing to regret in this house in bestowing such distinction upon the memory, such approbation of the system, pursued by that minister. I look to the most brilliant periods of our history, and compare them with the present; I find the successors of those illustrious persons to whom the country first owed its freedom, and boasted as her political connections, hurled from political power; the prince of Orange, to whose predecessor in 1688, this country was indebted for the successes of her revolution, driven from Holland; the illustrious house of Brunswick expelled from Hanover. In this comparison, therefore, I see no cause to rejoice. If the hon. member were merely to give credit to the right hon. minister for an earnest and devoted service to his country, I am ready to say that such was his motive of action, and that his errors were not those of ignorance but of judgment: but I cannot consent that measures are entitled to public knowledge, and honourable remembrance, unless it is shewn that they have been successful. But even to men, whose measures have been of the highest importance to the advantage to this country, public monuments of this kind have not been deemed necessary. What man, I ask, has rendered more important services to this country, or more raised her glory in the eyes of the nations, than my lord Somers? I ask, if no public monuments have been erected to his memory. What man, I ask, has displayed a higher moral character, or rendered more disinterested and important

o your country than archbishop Tillotson, at the head of your church, a man so disinterested in the public service, and so pure in every thing which related to his personal interests and all pecuniary transactions, that he died destitute of the means of defraying the expences of his own funeral? and yet his country voted him no burial or monument. To whom was the country more highly indebted for her prosperity, and her finance, than to Mr. Pelham, who reduced the interest of money from four to three per cent. ? and yet his country voted to him no public funeral. The same may be said of my lord Godolphin, to whom the country owed the highest gratitude, and yet no public funeral or monument was voted to his memory ; and therefore, so far as general precedents go, great talents and public virtues in a statesman have not been usually considered as entitled to such marks of public distinction as are now proposed. The only instance was, in the case of the illustrious lord Chatham, the great ancestor of the right hon. gent. now alluded to. He certainly rendered his country the most signal services. I do not wish to draw invidious distinctions, or to question the purity of the hon. member's motives, but I wish him to compare the situation of this country at the conclusion of the peace of 1763, with its situation at the conclusion of the peace of Amiens, or any other peace it shall hereafter conclude with France ; and I ask him, whether the comparison will warrant this house in adopting the precedent? In fact, I cannot conceive where lies the claim of such distinction to talents, where they have not been successful ; nor has it ever been usual to confer them. I conceive, therefore, the hon. gent. did not duly consider his motion before he propounded it to the house : for, surely, sir, if he had, he could not have imagined we would vote funeral honours, or monumental trophies, to a minister whose measures have been productive of so much misfortune to the country, and whose last and most important project, had so recently terminated in disasters so ruinous to Europe, and so seriously alarming to the British empire. I do not wish, sir, to push my objections to any greater length at this moment : but I cannot give my assent to a motion this night, which would be virtually a contradiction to the votes I have given for a series of years, against all the leading measures of that minister.

Mr. Rose said, that he felt at all times a

reluctance to occupy much of the attention of the house ; his feelings on the present occasion incapacitated him still more from trespassing long on their time. He confessed he had entertained a hope, that the resolution, proposed by his hon. friend, would have been adopted without difficulty, and with unanimity. When in the year 1778, a similar resolution had been proposed, with respect to the illustrious lord Chatham, it was assented to by the existing administration, notwithstanding that noble lord had been one of their most bitter opponents, and had reviled them in the strongest terms, accusing them of the grossest weakness, and the basest treachery. Great statesmen might certainly differ on questions of great importance, but, for his own part, he should consider Mr. Pitt entitled to the appellation of an " excellent statesman," even did he believe that he had been guilty of occasional errors. The noble lord had stated, as a ground of his opposition, that Mr. Pitt had found the country in a prosperous state, and had left it in a ruinous one. Without any wish to provoke a discussion on this point, he would ask, at the time that Mr. Pitt came into office, what was the situation of the country? He found it at the end of a most ruinous war, its commerce annihilated, its navy considerably impaired. What were the consequences of his efforts? During the period of his administration, our resources had been doubled, our manufactures had been doubled, our seamen had been doubled, our shipping had been doubled. The funds, at the period alluded to, were much lower than they are now, after thirteen years war. The revenue was then barely equal to the interest of the debt, and the national expenditure was annually increasing that debt. The contrast in this particular was too obvious to demand illustration. That Mr. Pitt had imposed great burthens, was very true ; that he had discovered extraordinary resources, was as true. The question was not, whether the present war had been well or ill conducted ; he was sorry to hear this mentioned on the other side, because he earnestly desired on this motion unanimity. His hon. friend had taken his resolution, as he found it recorded on the Journals of the house. He had not altered an iota of the terms in which the similar one on the death of lord Chatham, which was acceded to by the administration of that day, had been conceived. He could not, therefore, with justice be ac-

cused of purposely bringing forward any thing in which gentlemen opposite might find it difficult to acquiesce. With respect to the illustrious character who was the lamented object of the present motion, he would only say of him, that he had exhausted his life in serving his country to the best of his great abilities, for it was no exaggeration to say, that the gallant admiral, who had lately closed his brilliant career, by falling in the arms of victory, did not more decidedly lose his life in the service of his country than Mr. Pitt; his anxiety for his country had destroyed him. It was well known to those who were in the room when that great man expired, that the last words he uttered were, "Oh! my country." The motion before the house bound no gentleman to an approbation of any particular act of Mr. Pitt's administration, much less to the measures of the last six months. It went only to assert what was admitted in every corner of England and Europe, that Mr. Pitt was an excellent statesman, and that his loss was irreparable to the country.

Mr. For rose, and spoke as follows:—I do not know, sir, that ever I rose to address the house in the performance of my public duty with more pain than I do at this moment. I therefore hope that I shall experience some indulgence, if, before I give my vote on this question, I should shortly state the reasons which compel me to oppose the motion now proposed by the hon. gent. under the gallery. The hon. gent. says, that all party feelings and political animosities should be laid aside on the present occasion; I assure him, sir, that I do lay aside all party feelings. If I had any such at this time, they would lead me to vote with the hon. gent. and not against him. At the same time I do not pretend to undervalue party feelings. When a person is convinced that the opinions which he holds, if acted upon, would be productive of benefit to his country, but finds that the only chance of having them acted upon depends upon his connection with a party, and the support which by this means he may acquire, it is his duty to have recourse to a party. He may consider this fairly and justly as the best mode of effectually carrying into execution those measures which, in his estimation, are the most calculated to promote the public prosperity and happiness. But at present it is obvious to every one, that all the motives which are likely to influence me, as far as

party is concerned, are on the side of the hon. gent. and would lead me to vote with him. The hon. gent. must see, that if gratification of party feelings, if ambition if private interest were my objects, the most proper course for me to pursue, would be to give an immediate assent to this motion. Upon such a supposition, every one might be sensible how much it would be my interest to conciliate, as much as possible, those who had the greatest respect and due for Mr. Pitt, to drown, if it could be done, the very remembrance of our political contests, and endeavour to gain, by every means that could be imagined, the support and favour. This would be the best of conduct which party views would suggest, as the most proper to follow. I say this is not all; there are other motives of no less weight, that strongly recommend the same mode of proceeding. For most of the supporters of the present motion have a personal friendship, which would make me reluctant to oppose them on such an occasion; but, most of all would it be my interest, as well as my inclination, to cross, in this instance, the views of the noble lord near me (lord Temple), and other near relations of the deceased minister, with whom I am now likely to be for the remainder of my life, inseparably connected. The vote, therefore, may be considered as one not given to gratify any feeling of private animosity, or public ambition, but extorted by a painful but imperative duty. In every point of view then, whether my object should be to conciliate those who have the warmest attachment to the memory of Mr. Pitt, or to join with those who are already my political friends, my plan would be to support the hon. gent.'s motion. I will say farther, and say that if feelings were to be allowed to direct our conduct on this occasion, the right hon. gent. opposite (Mr. Rose) might address to our feelings arguments much more powerful than those which he has just now addressed to our reasons. I, sir, have been engaged in a long course of opposition to the person whom public honours are now claimed for; I may say that I have been considered, perhaps it may be called an honour, as a rival. But I do assure the right hon. gent. and his most zealous admirers, that, during all that time, I never opposed him from any personal motive in my life. I will go farther, and say, that another motive would lead me to support the motion, and that

the respect which I entertain for many of Mr. Pitt's personal qualities. Great qualities he certainly had, in no ordinary degree, in private life; and great qualities also in points connected with his administration. I do not think this a proper time to enter upon the particular acts of that administration; but in the measure for the establishment of a real sinking fund, he had always my warmest support, and I freely declare my opinion, that this has done a great deal of good to the nation, and, that for this, therefore, the country is highly obliged to him. There is another quality for which he deserves great praise. No minister was ever more disinterested, as far as related to pecuniary matters. His integrity and moderation, in this respect, are confirmed by the state of his affairs when he died. I allow that a minister is not to be considered as moderate and disinterested, merely because he is poor during his life, or at his death. But when I see a minister, who has been in office above twenty years, with the full command of places and public money, without any peculiar extravagance and waste, except what might be expected from the carelessness that perhaps necessarily arose from the multiplicity of duties, to which the attention of a man, in such a situation, must be directed; when I see a minister, under such circumstances, using his influence neither to enrich himself, nor those with whom he is, by family ties, more peculiarly connected, it is impossible for me not to conclude that this man is disinterested. I must say, that he has, with regard to private emolument, acted with a high degree of integrity and moderation. In the course of the long administration of Mr. Pitt, all that he took for himself was, I believe, the wardenship of the Cinque Ports. This was certainly in him highly disinterested; and his disinterestedness in this respect shines with the more lustre, when we consider the mode in which, according to report, this reward has been since disposed of. I, therefore, sir, have every reason, from my intimate friendship and near connection with the living, and from my own private feelings and respect for the dead, who undoubtedly possessed many estimable qualities, to give my support to the motion now before the house. I might be led to this by another motive. If personal vanity had any weight with me, I might from this consideration concur with the hon. gent. I might by this means gain a great deal of applause, without any loss whatever in a party

point of view, and I do not pretend to be insensible to praise any more than others. But there are cases, sir, in which our public duty is so clear and imperious, that no desire of praise, no motive of personal respect, no wish to gratify our friends, nor any other consideration, however powerful, can possibly enable us to dispense with it, and in my conscience, sir, I believe this to be one of those cases. If the marks of respect were such as did not compromise my public duty in the compliance, no person would join in it more cheerfully and more eagerly than I would. If, for instance, it had been proposed to remedy those pecuniary difficulties which Mr. Pitt had incurred in the course of his political life; if it had been proposed to do those things for his relations in that way, which his own acknowledged disinterestedness did not allow him to do; if it had been proposed to supply the deficiencies of his own fortune, I would most willingly consent that all this should be done in the most liberal manner. But it is a very different thing to be called upon to confer honours upon Mr. Pitt as an "excellent statesman." We ought not, sir, in such cases, to be complimented out of our consent, if our public duty commands us to oppose the grant of such honours. Public honours are matters of the highest importance, because they must more or less influence posterity. They ought not, therefore, to be conferred lightly, but only where merit is clearly seen and acknowledged. I could farther add, sir, that the manner in which the hon. gent. opened this business, would lead me to give his motion my support; but when public honours are solicited, it becomes me to consult neither my interest nor my feelings, but to adhere rigidly and conscientiously to my public duty. I need not add any thing to what has been said respecting honours conferred upon military men and statesmen, by my right hon. friend on the bench near me (Mr. Windham), who has so ably and clearly pointed out the distinction between the two cases. As little need I add to what has been said by my hon. friend on my right hand (Mr. Ponsonby), respecting many eminent public men, on whom no honours of this kind were conferred, and for whom none were solicited, though their talents, virtues, and good intentions were unquestionable. It is not to particular acts only that we are to look; we must consider the general effect which these acts produce, with a view to the public benefit. Certainly, when I look at lord Chat-

ham's monument; when I find the inscription bearing upon the face of it the grounds upon which this monument was voted; when I find it there stated, that he had reduced the power of France to a very low ebb, and raised the prosperity of his country to a very high pitch; I must say, that this case can never be compared with that of lord Chatham. I must say, that the country at present is reduced to the most dangerous and alarming situation—a situation which might call for any thing rather than honours to be conferred upon him, who had the direction of the measures which brought it to this state. The right hon. gent. (Mr. Rose) has told us, that in the case of lord Chatham there was the most perfect unanimity, though there were many in the house who had opposed his political principles. Why, so there was; but then, sir, the merit was clear, and the inscription related to points on which there must have been the most perfect unanimity; and though certainly during the seven years war there was a strong opposition, yet his merit on certain points, to which the inscription referred, was allowed by the bitterest of his antagonists. But though no consideration ought to induce us to betray our trust in conferring the public honours, yet at the same time there are cases in which the effects of this might be less sensibly felt. For instance, in cases where we should be compelled to oppose particular acts of an administration, we might still make a clear distinction between what was good and what was bad. In the present case I shall not enter upon the particular acts. In deciding upon this question, I should be unwilling to take any one particular act of the administration of the late minister. I always thought, and do still think, that an unfortunate system of government has pervaded the whole of the present reign; and I firmly believe that system to have been the cause of all the disasters and disappointments which the country has experienced, almost uniformly throughout the whole course of it. Being of this opinion, how can I conscientiously say that he who followed this system was an "excellent statesman?" To that system I ascribe the loss of the American Colonies, and I cannot but impute blame, instead of praise or honour, to all the ministers who have supported it. The earl of Guildford who conducted the war, in the event of which those colonies were lost, was a man of very uncommon talents, and of very amiable

qualities. Towards the latter part of life, I was connected with him, not only political opinions, but also in habits of most intimate friendship. But, notwithstanding all that, I have no hesitation declaring, that if, at the decease of nobleman, any motion similar to the sent had been made in this house, as I esteemed and loved him, and still more dearly as I loved his son, the late earl should have been the very foremost to propose it. Thinking, as I do, of the disastrous effects of that system, which I believed to have prevailed through the present reign, I cannot but accuse the minister of having, I will not say candidly, for the expression might sound some ears, too harsh, but, most unfortunately, lent his brilliant talents and commanding eloquence, to the support of it. In having done so, and with the knowledge he must have had of it, I esteem him the more culpable, as without splendour of mental endowment, it enabled him to throw a veil over the deous deformity of the system allude I am fully persuaded, that it could have resisted the attacks made upon it consequently could not have existed, spread its baneful influence half so. No man can be more desirous than I to bury in oblivion the remembrance of those contests in which we had so been engaged. This I shewed plainly while he was alive. But, I cannot consent to confer public honours, on the ground of his being an "excellent statesman," the man, who, in my opinion, was the sole, certainly the chief supporter of the system, which I had early been taught to consider as a bad one. Thinking that I cannot be expected that I should forget my public duty, and the principle which I have uniformly professed, I subscribe to the condemnation of principles, by agreeing to the motion before the house. But, I defy the gent., I defy any person who differs from me, I defy any one of those who are desirous of misrepresenting my motive to point out any possible feeling of jealousy or ambition, that could induce me to propose it. My motive is a sense of duty, which would be violated, if I were to agree to confer honours, on a system which to me do not appear to warrant concurrence. Sir, I am sorry that this motion was ever made. I said so, and if those who were most nearly connected with Mr. Pitt by the ties of

and who may be supposed to be most interested in his glory, and the respect that is to attend his memory, had been consulted, I believe a mode might have been struck out, by which a suitable mark of respect might have been conferred on him, without reducing us to this dilemma. Now, however, it is too late. The thing is done, and cannot be helped, and nothing remains for us but to do our duty, however much our feelings may be hurt by the performance. I must therefore conclude with saying, that, in my opinion, my public duty does call upon me in the most imperious and irresistible manner, to oppose the motion; and that however painful to my feelings in every respect it may be, I must do my duty.

Lord Castlereagh said, that the few observations which he had to submit to the house upon this subject, were not meant so much as a reply to what had fallen from the hon. member who had just sat down, and who had spoken throughout by no means in the spirit of an adversary, but rather with a liberality that was highly honourable to his feelings and character. The testimony of the hon. gent. to the exalted virtue, and the incorruptible honour of his right hon. friend, must be peculiarly gratifying to all those who revered the memory, who valued the fame of the illustrious personage who was the subject of this debate. Upon the arguments of that hon. gent. in opposition to this motion, it was not his intention to reason. This, in fact, was not a question to be determined by argument. It was quite a question of feeling. The acquiescence of that house and the country, in such a proposition, was more to be looked for from intuitive feeling than from cold reason; and if that feeling did not exist, it was in vain to think of arguing men into it. With regard to the allusions which had been made in the course of the debate to the merits of that distinguished person, the late earl of Chatham, and the attempts to contrast these merits with those of Mr. Pitt, he felt himself justified in saying, that there was a very marked distinction between the cases of both. The different circumstances in which they were placed, must be taken into consideration before any fair estimate could be formed of their relative merits. Mr. Pitt, it was known, had to manage the government in times of peculiar peril, at an era indeed unparalleled in the history of this country or of the world—without

any precedent whatever to assist his judgment, much less to direct his way. In that unprecedented situation, Mr. Pitt conducted himself in such a manner as to merit the approbation and obtain the confidence of parliament and the country. Was it, then, too much on the part of the friends of such a man to require the proposed mark of public respect and gratitude? or would it be consistent with the honour of parliament, or agreeable to the feelings of the country, to withhold it? But the danger of precedent had been dwelt upon. It was contended that similar honours had been withheld from men of equally eminent abilities. A right hon. gentleman (Mr. Windham) had mentioned, that the splendid talents and public services of Mr. Burke gave him a much higher claim to public honours than could be asserted to belong to the character of Mr. Pitt. For the memory of Mr. Burke the noble lord professed the utmost reverence; for the services which he had rendered his country he felt the warmest gratitude. Towards that great and meritorious individual he could not be supposed to entertain the same degree of admiration with that which was, no doubt, felt by the right hon. gent. who had the good fortune to possess the opportunity, from intimate intercourse, to observe the virtues and to appreciate the merits of that great man. But although he had not the advantage of such opportunity, still he admired sincerely and warmly the character of Mr. Burke. He conceived, however, that the character of this celebrated individual was not of such a nature as to warrant any man in bringing it into competition with that of Mr. Pitt. There were so many points of difference between the two men, that a comparison between them could not be fairly instituted. Indeed, the right hon. gent. himself must be aware, that however he might regret the circumstance, he could not persuade parliament, upon just grounds, to adjudicate to Mr. Burke the same honours that were now proposed to be done to the remains of Mr. Pitt. Differing widely as he did from the gentlemen on the other side, as to the conduct of the recent transactions on the continent, however unfortunate the result, he could not in the slightest degree assent to the justice of the assertion, that these transactions served to abate the claims of his deceased friend to the esteem of that house and the

country. Quite the contrary. But into this subject he did not at present wish to enter. That would more properly come before the house at another time; and he deprecated the idea of any man voting upon this occasion who should suffer his mind to be influenced by the contemplation of that subject, upon which but very few men at present were enabled to form a correct opinion. The documents necessary to a full understanding of the conduct of ministers would be speedily laid before the house. The means they had employed, the measures they had pursued, would be entirely made known; and upon a full and fair review, it would be for the house to judge; but he protested against any premature judgment. His own sentiment, he had no hesitation to say, coincided with that which the house had heard from the hon. officer who sat on the same side with him (gen. Tarleton). From the most ample enquiry he was able to make, the conviction of his mind was, that the conduct of the last six months of his deceased friend's administration evinced a series of the most splendid efforts, not only for the salvation of this country but of Europe. If these efforts had failed, he was persuaded it would appear that their failure was not the result of any fatality that was justly attributable to him. If they failed through the weakness of those courts with whom we were to co-operate, or through the incapacity of those to whom the execution of their plans was intrusted; if it was not the fortune of Mr. Pitt to meet a correspondent energy in those who were equally interested in the common cause, whose effective aid was essential to the accomplishment of his projects, surely that was not to be ascribed to him as a ground of incapacity. As far as his arrangements could extend, as far as his influence could operate, as far as he was implicated, there was not the shadow of doubt that his conduct would prove, upon the fullest investigation, to have been not merely free from blame, but entitled to praise. Passing, however, by the whole of this question, he saw quite enough in the eventful life of Mr. Pitt, to justify the highest eulogium. The judgment, activity, and resolution, manifested by his deceased friend during the progress of the French Revolution, was amply sufficient to sustain even more than the proposition before the house. This, however, he was aware was not a ground upon which

he could rest any claim to praise; the hon. gent. who spoke last, or his friends who immediately surrounded him, because they uniformly opposed his hon. friend; but certainly it was which entitled him to expect the acquiescence of the right hon. gent. on the bench (Mr. Windham) and others, who at that period thought it their duty to separate from their present connections, rally themselves with Mr. Pitt, with energy, wisdom and patriotism were several years, the favourite theme of panegyric. Surely those hon. gentlemen could not consistently deny that the administration of Mr. Pitt, during that instant period, alone warranted his friend in claiming for him the most honourable and elevated distinction.—As to the objections that were made to the terms of the motion, he felt that it would be quite impossible to draw it up in a way as at once to meet the wishes of Mr. Pitt's friends, to correspond to those feelings which his death was so peculiarly calculated to excite, and at the same time to be perfectly reconcilable with the sentiments of those gentlemen on the other side, who had been in the habit of acting in direct opposition to him throughout the whole of his public life. Upon this subject it was much to be regretted that any dissension should arise. It was sincerely the wish of Mr. Pitt's friends to avoid it. But still it was felt that Mr. Pitt's friends should not shrink from their duty; should not suppress their feelings, and not withhold from great public merit the tribute of public respect merely to avoid the hazard of incurring some difference of opinion.—Although the support of the hon. gent. on the other side was to be calculated upon, he had no doubt the motion would be adopted. He felt confident that it would. They would act inconsistently with his opinion, repeatedly expressed, if they refused to recognize the merit, if it were to distinguish the memory of Mr. Pitt. Such a thing was not to be supposed possible: Unanimity upon such a question was, no doubt, highly desirable; but he clearly saw that was not to be obtained. It was evidently impossible to make a motion of this nature, so as to be agreeable to the sentiments of the gentlemen on the other side. Yet, for his part, he must say, that, were he to have framed a motion from his own, perhaps parti-

ings, it would have been much stronger than that now before the house. Impressed as he was with the eminent virtues, the transcendent talents, the distinguished service of his deceased friend, he had no difficulty in stating, that he should have felt the compliment paid to his illustrious father, and which his hon. friend had copied, rather cold and inadequate on this occasion; but it was deemed advisable to follow the precedent chalked out in the case of lord Chattham, and the precise words were adopted; because, even highly as Mr. Pitt's friends, with justice, esteemed his merits, it was not conceived right to take any novel or extraordinary proceeding, to mark the public deference for his character. It was not thought just to place the name of Mr. Pitt on such a pedestal, as should by its comparative elevation depress the distinction and consequence of other meritorious public men.—With respect to the observations of a learned gent. on the other side, (Mr. Ponsonby) that the system pursued by Mr. Pitt should be altogether abandoned, that it should be interred with him, he begged to remark to the learned gent. nay, he would advise him, if he wished to attach the confidence of parliament and the country to the party with which he acted, to adopt a different tone. For he had little doubt, that if dangers should arise similar to those against which Mr. Pitt contended, the councils of the country would feel it necessary to recur to the system of Mr. Pitt. The efficacy of that system had been experienced, its benefit to the country was universally felt and acknowledged. To that system we, in fact, owed the internal peace of England amid the convulsions of Europe, and the security of the English constitution. To that system the learned gent. owed the consequence he possessed, the honours that awaited him. Any deviations, therefore, from such a system, under similar circumstances, it was not wise to recommend; and sure he was, that such recommendation would not be graciously received among the respectable and intelligent part of the people.—Adverting to the remarks that had been made on the alleged failures of Mr. Pitt, the noble lord challenged any gent. to mention a minister in the history of the country, who, if success were to be the criterion upon which public honours were to be voted, was by any means entitled to such honours as Mr. Pitt.

Had not that distinguished person saved the constitution? Had not the measures of his administration been productive of unprecedented prosperity? And were not the success of our arms in war, infinitely more splendid than any thing that had been achieved during the administration of every one of his predecessors, not even excepting that of his illustrious father? Whether we looked to the amount of our military forces, and their efficiency wherever they had occasion to act; whether we looked to our means of defence or attack, we saw ample grounds to assert the success, to panegyricize the wisdom and vigour of Mr. Pitt. But if we looked to our navy, what an impressive testimony of his active vigilance and provident attention presented itself to our view! It was notorious, that, under his administration, that important branch of our power had advanced by rapid progression, and attained unparalleled glory. In that department indeed, his administration presented a series of the most brilliant successes, terminating in that glorious action which immediately preceded his death, which from its character and result, seemed to have crowned the expectation which even a sanguine admiration of the British navy would induce one to form.—The noble lord expressed a hope that the feelings by which he was actuated, would plead his excuse for trespassing so long on the attention of the house. He professed the utmost anxiety to avoid any observation that had the least tendency to render the debate personal, or to provoke party feelings. In this, indeed, he but imitated the conduct of the gentlemen on the other side, who had throughout performed what they conceived to be their duty, in a manner that redounded highly to their credit. Certainly, the friends of Mr. Pitt had no reason to complain of any part of the course pursued by these gentlemen. Not an expression was heard that was calculated to excite an unpleasant sensation; and he was happy to perceive that the discussion was, on the whole, not less honourable to the individuals engaged in it, than it was creditable to the individual who was the subject of it.

Mr. *Wilberforce* rose, to bear testimony to the great public virtues and splendid talents of Mr. Pitt, in whom he declared the love of country was to be found as sincere and ardent as ever yet existed in any human bosom. With regard to the assertion, that

success was a proper criterion by which to appreciate the merit of a great man, the hon. gent. reprobated the idea, as inconsistent with wisdom and justice. But if the character of Mr. Pitt were to be tried by that rule, where were we to look among the great men of ancient or modern times, for any who had stronger claims to the gratitude and respect of their country, than those which could be advanced in favour of that illustrious personage? Success, however, might be, in many instances, a very erroneous criterion of real merit. Results might sometimes arise, the cause and credit of which might not at all belong to the plan of operations intended to produce them. He was aware that parliament acted entirely from results, in voting addresses for naval or military achievements. But the reason of that mode of proceeding was obvious. The parliament could not act as a military or naval court martial. It did not belong to them to enquire, or to plan or conduct. Upon such subjects they could only decide from results. But the case was quite different with regard to great projects of domestic or foreign policy. Such projects the house was able to examine, and, upon examination, they might appear to have been contrived with the utmost wisdom, although productive of very unfortunate results, through the weakness or treachery of those employed to carry them into execution. The application of these general remarks, the hon. gent. observed, must be obvious: they were meant to guard against premature impressions upon a subject, into which he would not enter further at present, as he was very unwilling to utter any sentiment upon this occasion, that was likely to excite opposition. He would offer no opinion upon the subject of the last campaign, but simply observe, that it did not follow, that, because success was on the side of the enemy, Mr. Pitt was to be allowed no merit. This question, however, was yet to be determined; and, until the determination should be pronounced, he would not pretend to say that his deceased friend was deserving of praise, at the same time that he protested against the application of censure. But, overlooking this question altogether, there was a part of Mr. Pitt's political life, upon which the world had long determined, which fully entitled that great ornament of his country to his country's best wishes. When the revolutionary spirit had convulsed France, and alarmed the whole civilised

world, that distinguished statesman completely succeeded, by the vigour and sincerity of his measures, in preventing that dreadful plague from reaching us. It was the main source of his distinction; it was the great pedestal of his fame.—hon. gent. pronounced an high eulogium upon the manner in which the proposition been discussed by the gentlemen on other side. Their conduct, he conceived to be not only honourable to their own character, but to that of their country. It afforded a signal instance, that the spirit of party could not operate in the breast of Englishmen, to extinguish those feelings and sentiments, which enable men to judge of character, and justly to estimate merit. He declared that he derived great satisfaction in contemplating the course of this discussion, which he had no doubt would terminate in the adoption of his hon. friend's motion. To that end he was happy to give his warmest support, and that he felt but a small tribute to the memory of a man who had ever the object of his esteem and admiration, who was equally distinguished by great talents, for exalted character, for enlarged views, for personal purity, and for indefatigable patriotism. Of him, in fact, it might well be said, that the first wish of his heart was the good of his fellow creatures, and the sole object of his study that of his country. Undoubtedly, had he been any consequence in his consideration, he might have materially contributed to improve his own views of policy by cultivating connections and private friendships. But, to these things, which are so dilidly consulted, and which are of such use to other public men, Mr. Pitt was inattentive. To whatever regarded his interest, he was perfectly indifferent. Indeed this distinguished man was a forgetter of himself, but ever remembered his country.

Sir Robert Williams said, that he was aware he could make any motion to his wishes, but that he hoped and trusted that the friends of the illustrious man who was the subject of the debate, would all attend his remains to the grave. The house then divided, and the numbers were

For Mr. Lascelles' motion

Against it

Majority

The ayes having come forth, were addressed by lord Castlereagh, while

lobby, nearly in the following words:—Gentlemen, to-morrow the Treaties alluded to in his majesty's speech, will be laid before the house; and a day will probably be named for discussing that great question, involving so much of the merits and character of Mr. Pitt. I hope and trust, that gentlemen will give a full attendance on that day; which will be more necessary, as we have lost the splendid talents of that great man.—Strangers were not re-admitted into the gallery; but, we are informed, that Mr. Cartwright gave notice of a motion for Monday next, for the payment of Mr. Pitt's debts.

HOUSE OF LORDS.

Tuesday, January 28.

[CONTINENTAL WAR.] Lord *Mulgrave* said, he was commanded by his majesty to lay before the house copies of treaties entered into between his majesty and the king of Sweden, and the emperor of Russia, and also of the accession thereto of the emperor of Germany and Austria. He wished there had been a fuller attendance of their lordships, in order that he might have fully explained the reason of expediency and necessity, which he conceived to exist, for withholding certain articles which formed parts of those treaties. This explanation he should, under the present circumstances, reserve, until the remainder of the documents should be laid on their lordships' table. He thought it his duty, however, to state now to their lordships, that to the treaty of St. Petersburg, as it now existed, or at least as it came to this country, there were attached fifteen supplementary articles; of these, the tenth article was never ratified; it was of course, therefore, nugatory, and of no validity: of the remaining articles, the second, third, seventh, and ninth, contained recitals, the publication of which might be injurious to the welfare or the safety of other nations; and, therefore, it had been thought expedient to withhold them. He could, at the same time, assure their lordships, that the articles he had just alluded to, were merely conditional and prospective, and did not bear upon any of the points of the question respecting the late transactions upon the continent, which their lordships would have to discuss. With respect to the propriety of withholding these articles, he was convinced no other motive could be imputed to himself,

and those with whom he had the honour to act, than a desire to do nothing that should be in the least detrimental to any of those powers to whom the treaties referred. They could, indeed, have no other motive, as those who, in all probability, would shortly succeed to the offices occupied by himself and his colleagues, would have an opportunity of investigating the documents themselves, and of judging whether or not his majesty's present ministers had been actuated by a proper caution in withholding them. With some of those noble lords, who would probably soon succeed to office, he had not the honour of being personally acquainted; with respect to others, he could rely most confidently upon their candour and justice; and even if they should be convinced that his majesty's present ministers had been too cautious in this instance, he was satisfied they would do ample justice to the purity of the motives which actuated himself and his colleagues, when they inspected the documents which were now withheld, and which would then come into their possession. He was at the same time most anxious that every document which could with safety or propriety be produced, should be laid before the house, in order that the whole of the late transactions on the continent might be fully developed and laid open for discussion. He was ready to admit that the unfortunate issue of the late events on the continent, that that unfortunate transaction which put a period to the hopes derived from the employment of vast resources, demanded investigation; but he was equally ready to declare that his majesty's ministers did not shrink from the discussion, that they wished to meet it fairly and fully in every part. It was still more his anxious wish that the discussion might take place, in order that the character of that illustrious statesman, that earnest and anxious patriot, whose loss they all deeply deplored, might be fully cleared, as it undoubtedly would be, from any imputation arising from the contemplation of the late unfortunate events on the continent. He was fully convinced, that the result of such a discussion would be a thorough justification of the plans of his majesty's ministers, and a complete refutation of every attack made upon that illustrious statesman, in consequence of the unfortunate issue of a well-concerted plan. He should decline entering into any farther discussion of the subject at present; when the papers were printed, a day would pro-

bably be fixed for the investigation of the subject, when he should enter at large into its consideration. The papers were then ordered to lie on the table. The duke of Norfolk urged the necessity of their being printed. Lord Hawkesbury replied, that being laid before the house by his majesty's command, they would be printed by the king's order.

[VOTE OF THANKS TO THE NAVY.]

Lord *Hawkesbury* rose, pursuant to notice, to move the thanks of the house to vice-admiral lord Collingwood, and the officers and men under his command, for their conduct in the action, and achieving the glorious victory off Trafalgar, on the 21st of October last. In stating the grounds on which that motion proceeded, respecting which, he felt confident, there would be no difference of opinion in that house, he believed it would not be deemed irrelevant in him, before he proceeded farther, to endeavour to pay that tribute of applause, which they all must feel was due to that great and illustrious commander, under whose auspices that signal and glorious victory was achieved, whom it was the misfortune of the country to lose in the moment of victory; but a consummation, so glorious to himself, incontrovertibly established his claim to the meed of immortal honour. That, however, was not the sole misfortune the country had recently experienced. She had the misfortune, within a few months, to lose two of the most distinguished military and political characters that ever graced her annals, at an early, and about the same period of their respective lives; under circumstances, and at a time, when all the abilities, vigour, talent, and energy of the country, was requisite for her preservation. He felt, that part of what he now alluded to, was foreign from the subject he had regularly to observe upon, but so much more strongly the occasion which suggested it, that he could not repress its expression. His lordship proceeded to expatiate upon the character of the other illustrious individual, who was the subject of his recent general panegyric. The whole life of that great officer, he observed, was devoted to the service of his country; and never did there exist a person more fully and variously qualified effectually to forward that service, than the noble and gallant viscount, to whom he alluded. In contemplating his professional character, it was impossible to refrain from adverting to the merits of those

who had the opportunity of improving talents, and directing that spirit of enterprise and intrepidity which displayed in his earlier years. On this head, no credit was due to sir Peter Parker, to Hood, to earl St. Vincent, and other distinguished officers, to whom such opportunities were afforded. To these, for early distinguishing, and calling into action the important qualifications, with which the late gallant viscount was so eminently endowed, much praise was due; and so it might be said, those distinguished officers in the first instance, contributed their share to the glorious and important service subsequently rendered. It was not, however, to these great and pre-eminent considerations, of the important victories of Nile, Copenhagen, and Trafalgar, that lordships were alone to look for the merits and perfections of that gallant officer on various occasions, even in the earliest of his professional life, they were eminent to be found. His various services, as a subordinate officer, while on the Mediterranean station, were, in that point of view, particularly to be regarded. In that quarter, not only his zeal and intrepidity repeatedly manifested, but his talents, professional skill, and in a way which unequalled by any other officer in similar circumstances! and the same superior play of talent and enterprise was uniformly exhibited by him on every occasion of separate command. When his majesty first pleased to order a specific remuneration for his services, on the formal representation thereof, which, on his part, came necessary on such an occasion, that illustrious officer had truly set forth, he was concerned in the capture of ships of the line, ten frigates, and a number of smaller armed vessels; that he had been one hundred and twenty times in action with his majesty's enemies, that he had lost one of his limbs, and one eye. These were among the services of his early life, when he was yet comparatively unknown to the country as a distinguished commander, and previous to his glorious and immortal victories which used his fame to all posterity. On these more important occasions, too, of extensive command and proportions of responsibility were attached, his powerful exertions appeared to grow and to increase in proportion to the magnitude and importance of the service on which he was employed.—The late glorious action

Trafalgar, the circumstances of which were so recent and so fresh in all their lordships' minds, it was needless to expatiate on; suffice it to say, that in extensive and important consequences, it exceeded every thing of the kind that graced the annals of the country. That glorious victory bore the same proportion in its magnitude, brilliancy, and important consequences, to the achievement at Copenhagen, that the latter did to the previously unparalleled victory of the Nile, and which, in fact, that victory did, in all those respects, to every other that preceded it. It seemed as if the energies of his mind, and the powers of his exertion, expanded, and progressively increased, on the respective occasions of those glorious victories, and in each of them he seemed to surpass what he had exhibited in the foregoing instance. The superior endowments possessed by the gallant admiral, were not to be considered alone as operating through himself; his example and influence pervaded all those who were placed under him in command; his merits were not confined to that glorious energy he displayed in the heat of action; the coolness and discrimination of his mind, formed a pre-eminent trait in his character; his promptitude to make the most of every advantage that presented itself; a most striking instance of which, and of unprecedented presence of mind, was manifested in his conduct in the critical and important affair at Copenhagen. These, however, were far from constituting the whole of his merits as an officer; his breast burned with a pure, a noble, a generous love of glory, which was the main spring of all his heroic actions; and he had the faculty of electrifying all those around him with a similar enthusiasm. No marks of ferocity or cruelty, which so often stained the laurels of successful victories, ever dimmed the lustre of his achievements; but humanity and mercy were the characteristics of his glorious conduct after the hour of victory. His conduct in private life was equally admirable with that which he uniformly manifested in his professional career. All the virtues which could adorn human nature, were to be found in the illustrious Nelson. The attribute of mercy was what most eminently distinguished him. In the language of the poet, it was not his wish to

"Wade through slaughter to a throne,

"Or shut the gates of mercy on mankind."

It was impossible the glorious example of such a man could be without a correspond-

ent effect on the character of others. In this way was to be considered the conduct of many of those who were placed under his command. The high opinion which the gallant lord expressed for that meritorious officer, whose conduct was more regularly the subject of consideration that night, was equally creditable to both. On leaving this country, he expressed his satisfaction at the appointment of the noble Collingwood to the command; and his perfect confidence in his skill, talents and exertions. He then proceeded to comment on the gallant and meritorious conduct of lord Collingwood, in the action off Trafalgar, and of which many of the most skilful of the profession spoke in terms of unqualified applause. The first motion which he had to submit to their lordships was, for the thanks of the house to vice-admiral lord Collingwood; the second was for the like to rear-admiral the earl of Northesk; and, lastly, to the subordinate officers and seamen under their command; and, if ever skill and bravery were manifested by British officers and seamen, on any one occasion more than another, it was in the action off Trafalgar. Of this splendid and important victory, there was one prominent circumstance to be considered; namely, the great inequality of the contending fleets. He had to apologise to their lordships, for having detained them rather longer than was usual on such instances, but the proportionably greater magnitude and importance of the particular occasion, he trusted, would plead his excuse. He then moved, "That the thanks of this house be given to vice-admiral lord Collingwood, for his very gallant and meritorious conduct in the command of the fleet under the late admiral lord viscount Nelson, in the action off Cape Trafalgar, on the 21st of October last, and that the lord Chancellor do communicate the said thanks to his lordship."

The Duke of Clarence stated, that he did not rise for the purpose of proposing an amendment, or creating a difference of opinion respecting the resolution which the noble secretary of state had introduced, with a degree of eloquence and feeling which claimed his particular thanks. He had, however, prepared some words, which after a few observations, he would read to the house, and their lordships would adopt them, if they thought proper. H. R. H. then went into the details of the professional life of lord Nelson, during the 23 years he had the honour of being acquaint-

ed with him. He stated, that one of the most excellent features in the character of his late gallant friend, was that devout sense of religion which he preserved in every situation of his life. As a proof of what he had mentioned, he would read, with permission of the house, the last lines which lord Nelson had written. So composed was he, that when the fleet was advancing to force the enemy's line, and before the firing began, which did not commence until after the line had been broken, he sat down and wrote what he should now read. The illustrious duke then read a prayer, the first sentence of which was to the following purport: "May Almighty God, whom I worship with all my heart, for the sake of my country and of all Europe, grant me a glorious victory!" The last sentence expressed his determination not to forget "the duties of humanity;" and the prayer concluded with "amen, amen, amen." H. R. H. then read the form of words in which he wished the resolution should be couched; differing but little from that moved by lord Hawkesbury, except that it conveyed the thanks of the house to lord Collingwood, for "his decision in destroying the ships which had been captured." H. R. H. did not think such an amendment unusual; a similar one, he imagined had been moved, when a noble lord near him (earl Spencer) was at the head of the Admiralty.

Earl Spencer said, he did not recollect any such amendment. He was glad that what fell from the royal duke, prevented his giving a silent vote upon a subject of such importance, and on which he felt so deeply. He fully agreed with every thing that fell from the noble secretary of state; but though the country had to lament the loss of lord Nelson, yet he trusted his glorious example would inspire the breasts of other commanders, in every particular, to emulate his admirable conduct.

Lord Hawkesbury thought it unusual to word such motions so minutely, which it was the usage of parliament to express in the most general terms. He should, however, willingly adopt the spirit of that part of the amendment which recognized the services performed by lord Collingwood, after the battle of Trafalgar.

Lord Hood rose and spoke as follows: I cannot refrain from troubling your lordships with a few words, from the very high opinion I have long entertained of that truly meritorious officer lord Collingwood,

as well as of the earl of Northesk, and very many captains I have a high regard for, that bore so conspicuous a part in glorious and unparalleled victory of Trafalgar; and I will venture to presage, the noble lord now in the command of his majesty's fleet in the Mediterranean wants only an opportunity to prove himself another Nelson, in judgment as well as valour. No one is better able to estimate the transcendent merit of the viscount Nelson than I am, as it was good fortune to have his lordship ten years under my command, with opportunities of placing him in situations that full scope for the exercise of that judgment, and bravery, I well knew inherent in him; therefore, whatever I do to perpetuate to the latest posterity great and brilliant services of my late lamented, and truly respected friend, have my most cordial approbation; and give it, is highly gratifying to my feelings. After what has been so very ably, and justly expressed by the noble earl, it would ill become me to trespass on your lordships' indulgence.

Lord Sidmouth said, he could not content himself with giving a silent vote to the motion before their lordships. The events of the last summer were among the most brilliant achievements which we have found in the naval annals of England. There was not one of those actions which was not entitled to distinct praise; but the victory of Trafalgar stood proudly eminent, and eclipsed the glory which would otherwise have encircled them. They should consider it as one of the happy circumstances of his life that he had been connected in administration with an earl (St. Vincent), to whose judicious selection of lord Nelson for the command in the Mediterranean was to be attributed. Of the zeal and distinguished talents of that great commander he had occasion to judge, and the result of his judgment was that no officer was ever better qualified for the important enterprizes which had been committed to him. He had left behind him a name which would ever exist in the memory of his countrymen. The feelings which his glorious but lamented death excited, even smothered and suppressed the exultation which would otherwise have followed the great event that had occasioned it. It was one of the great ties inherent in his character, that it inspired all around him with the same

lant enthusiasm and ardent zeal in the service of his country which he felt himself. In the prime of his life, in the blaze of his fame, he had fallen. His death had made an indelible and lasting impression on the hearts of his countrymen, but it had this of consolation in it, that it left a glowing example to future times. With the highest opinion of the conduct of lord Collingwood in the late action, for which no praise could be too great, he wished the illustrious duke would not insist upon the amendment which he had read. He thought it advisable, upon such occasions, to adhere as closely as possible to former precedents.

Lord *Hawkesbury* observed, with respect to the latter part of the royal duke's amendment, the insertion of the words "and for his conduct after the action," would be totally unobjectionable, and generally met his royal highness's idea. The words were, therefore, ordered to be inserted; and the motion, so amended, was agreed to, nem. diss.—His lordship then proposed the thanks of the house to rear-admiral the earl of Northesk, for his conduct in the said action, and to the several captains and subordinate officers in the fleet. A short conversation here took place between the duke of Clarence, the lord chancellor, and the noble secretary of state, chiefly on the most regular form of couching the motions: H. R. H. thinking the thanks to rear-admiral the earl of Northesk ought to be the subject of a separate motion. At length the propriety of this observation seemed to be admitted, and the motion was divided accordingly. The thanks of the house to the petty officers and seamen, and to the royal marines, followed, and were voted with equal unanimity. The thanks of the house were then moved also to rear-admiral sir Richard Strachan, for his gallant and meritorious conduct, in the capture of a squadron of the enemy, &c. and afterwards to the officers and seamen under his command.

The Duke of *Clarence* took the opportunity to express his very high approbation of the character and professional conduct of the gallant officer in question, particularly on the important occasion which gave rise to the present motion.

The Duke of *Norfolk* took the opportunity to make some general observations, respecting the conduct and character of certain other officers, who were, perhaps, equally deserving of the praise and the gratitude of their country. He alluded to

officers, who were employed in hard and close services, watching the enemy year after year, and through all weathers; who displayed the greatest zeal and talents, and wanted only the opportunity to signalize themselves, perhaps as brilliantly as those who were more fortunate. Such, for instance, was the case of that veteran deserving officer, admiral Cornwallis. With respect also to sir Robert Calder, he seemed to express his regret at what had taken place. He certainly, with an inferior force, had obtained a decided victory, and made captures. He meant not to arraign the decision of the court martial; but, after such conduct on the part of that respectable officer, he regretted things had so turned out, as that he could not be included in the vote of thanks.

The Earl of *St. Vincent* said a few words in consequence of what fell from the noble duke, but in so low a tone, that we could scarcely catch a word from him. He seemed to express his sense of the merits of Sir R. Calder, as an officer; but to be of opinion, that the topic alluded to, with a reference to the good of his Majesty's naval service, should not be made matter of parliamentary discussion.—The question was then put; the thanks to sir R. Strachan, &c. were voted unanimously, and the lord chancellor was desired to communicate them in the usual way.

HOUSE OF COMMONS.

Tuesday, January 28.

[NAVAL ADMINISTRATION OF EARL ST. VINCENT.] Mr. *Jeffery*, in pursuance of his notice of yesterday, called the attention of the house to the order of the 22d inst. for the printing of certain papers, relative to earl St. Vincent, which it was his wish should be discharged. It was not his intention, however, to press this on the house, without shewing his reasons for such a proceeding, which he trusted would prove as satisfactory to the house as they appeared forcible and convincing to his mind. In the first place, he insisted that the sole design of producing those papers was to gain time. From the commencement of this business to the present moment, procrastination seemed to have been the great object of lord St. Vincent and his friends. He could afford no better proof of this than by referring to those voluminous papers, that had been laid on the table, from time to time, and of which, by far the greater part bore not the most dis-

tant relevancy to the matters in question. The expedient of printing those papers, which nobody he was sure would read, was another additional support to this procrastinating system, to which he wished a stop to be put as speedily as possible. He would assure the friends of the noble lord, in the mean time, that no procrastination on their part should shake his determination of persevering in the course he had begun. Whatever should be the situation of parties, whatever new administration should be formed, whatever changes should take place in his majesty's government, he would abide by those charges he had originally brought forward, and persist in regarding it as one of his highest parliamentary duties to substantiate and prosecute them. He had charged lord St. Vincent with a criminal neglect of duty in the high official situations he had held, and particularly in his post at the admiralty; and no delay that might be contrived, no obstacle that might be thrown in his way from any quarter would relax his exertions in making good this charge. But he was anxious that this should be done as speedily and with as little expence as possible. If the house, therefore, should concur with him in his motion of rescinding the order for printing those papers, it was his intention to follow up this motion with another for referring them to a select committee, to examine what papers really ought to be printed, and to reject the rest that had no relation to the question, as useless and cumbersome. The printing of such voluminous papers would only create enormous expences, while such as were relevant would be lost amid the great mass of matter, and from their ponderous size, would be useless to the house. It was far from being his wish, at the same time, to press this matter on the house in such a way as to prevent the noble lord or his friends from making the necessary arrangements for his exculpation. He protested to the house that he was actuated by the purest motives in bringing forward the charges he had done, and from no personal animosity to that noble lord. His public duty was the only imperative voice which in this proceeding he obeyed; a voice which he thought every member in that house ought to obey, and a duty which every member ought to feel. He was fulfilling a duty which was equally incumbent on every man in that house.

Mr. Tierney here called the hon. gent.

to order. He was departing he thought from the forms necessary to be observed in submitting motions to their consideration, and entering into a field not connected with the professed object of motion.

The *Speaker*, was of opinion that hon. member was at perfect liberty to assign reasons for his motion, and so as he confined himself to that of thought he was perfectly in order.

Mr. *Jeffery* then continued, and insisted that at a time when our great national interests were so much at stake, it was the duty of every man to watch with particular care over the interests of that department of the public service on which our safety as well as glory depended. He did not wish to give offence to any member; did he think it necessary to extend his explanation; but he must repeat his resolution to bring forward his charge under any circumstances, and under any set of men, for he had such proof which would not only justify him in the eyes of every reasonable man, but would condemn the noble lord. It had been on the part of the noble lord, at an early period of this business, that in order to justify his conduct against the charges alleged against him, such papers as he considered necessary as, he was afraid, were too voluminous for the perusal of the house, and that were not likely, many of them, to be got from the public offices. He could not help considering this as introduced as for the purpose of delay; and at any rate this was the very opinion of the house at present labouring to establish. No obstacle had been offered to the production of those papers; but they really were so voluminous a nature as would create a great delay by their being printed. When printed, he was certain would be read by the house. The hon. member concluded by moving that the papers should not be printed, and that the order for that purpose be discharged. The papers being accordingly read, and the question being put from the chair, that so much of the said order as relates to the printing of the papers be discharged.

Admiral *Markham* rose, and said that when the hon. gent. first brought forward charges against the noble earl, he had expressly stated that he should not be excluded from moving for such papers as might be thought necessary, to his ship's defence, and that this prop-

had been acceded to by the late right hon. chancellor of the exchequer, so much so indeed, that only one paper had been objected to, the production of which, it had been stated, would prove prejudicial to the service, by giving the enemy information which it was the interest of this country to withhold. Were any objection really admissible to the printing of those papers on the ground of making them public; and by this means embarrassing the public service, such objections ought to originate with the lords of the admiralty, and not with the hon. member, who had not the means of knowing those circumstances that might render such an objection proper. But no such objections had been offered by the lords of the admiralty, nor had the hon. gent. himself attempted to establish any such plea. It appeared, indeed, an extraordinary proceeding to come on the part of the hon. gent., that while he brought charges against the noble lord of so serious a nature, and in a language so scurrilous and indecent, he should attempt to shut out the light and prevent access to that information on which the noble earl depended for his vindication. "In the course of what has dropped from the hon. gent." said the hon. admiral, "he has stated, that I had said, at the commencement of this business, there were many papers the public offices would not produce; but the absurdity of this allegation is a sufficient proof that I could never have made use of such expressions." He could never be absurd enough to say so. On the contrary, he had stated that there were none that would be wanted that might not be produced. With respect to the book, called Domsday book, he had expressed some doubts if it could be forthcoming, and believed it was among the number he had moved for. It was a book regularly kept up during lord St. Vincent's administration, and would have been of very material consequence in his justification. Of the papers, continued the hon. member, which had been moved for and produced, there was not one that was not absolutely necessary. He wished every one of them to be made public. These papers required only to be known, to return the wanton scurrility of the hon. gent. with accumulated weight on his own side. So determined was he to adhere to the order of the house already made, and so necessary did he feel the publication of those papers, that if the hon. member

did not withdraw his motion, he would certainly take the sense of the house on the question. He added also, that he would not be deterred on any account from calling for any farther papers that should appear necessary, notwithstanding the charge of procrastination brought against him with so little reason. There were indeed more papers which he was likely to call for, and which might be produced in the course of two days. This was no trifling question; it involved the very existence of this country, bearing so near a relation as it did to the best means of its defence. It involved the naval interests of the country, and therefore he wished that full and ample enquiry should be made, not only for the sake of the noble lord whose character was at stake, but also for the benefit of the public service, and the good of the community at large. At the same time he could not help observing that, in his opinion, the hon. gent. would have done better to have deferred this motion till another time, and have allowed the formation of a new administration to have been completed before starting a subject of this nature.

Mr. *Peter Moore* had witnessed many extraordinary things in his day, but this was the most extraordinary proceeding he had ever known. The hon. gent. not satisfied with repeating his accusation against lord St. Vincent, had accused the whole house of commons, by saying, that they would not have patience to read the important papers before them. The abstract of the hon. gent.'s argument was simply this: "You shall attend to all the charges that I may from time to time throw out against the noble lord, but you shall not listen to a word of his defence: you shall not even permit him to submit it to the house, but refer it in the most private manner to a committee." What reason the hon. member had to think gentlemen would not read these papers when printed, he knew not, but certain he was it was their duty to do so, and certain he was that it was his intention to read them, as he had done such as had been already produced, and must say that he saw no colourable pretext whatever for the charges alleged, and would therefore advise the hon. gent. to make the *amende honorable*, and retire with the best grace he could.

The *Attorney General* considered the question before the house to be of very considerable importance; and if any one

thing was of more importance than another it was certainly the order of proceeding on this subject. However voluminous these papers might be, therefore, he would have them printed, as being the most regular and candid mode of proceeding; and therefore advised the hon. gent. to withdraw his motion, particularly as he did not conceive that there existed at this time any cause that should preclude their being printed.

Mr. Serjeant *Best* could not allow the hon. mover to withdraw his proposition without offering some remarks on the manner in which he had supported it. The substance of what the hon. gent. had advanced was, that he should have all the papers he wished for on his side, but he will only permit you to have such as may be agreeable to him, and not what on your part you may think necessary to meet his charges. I cannot agree, said the learned member, that this investigation in any shape should be referred to a committee. What! After charges of so gross a nature, and conveyed in language, that, to say the best of it, might have better been omitted, shall you say that the papers on which the refutation of those allegations so materially depends, shall not be printed? Ought not the vindication to be as public as the charges? The wisdom and the justice of the house required it, and he was only surprised that a contrary proposition should have been for a moment entertained. The house might easily see, from the spirit in which the motion had been made, that it was unworthy of being entertained. He never, for his own part, had seen the papers, but he certainly had no doubt, from the testimony of the hon. gent. behind him (admiral Markham) that they were necessary to the vindication of the noble lord, and would sufficiently answer that purpose. As a proof how ready the hon. gent. was to make charges without consideration, he had only to refer to the charge he had just made of procrastination, against the house itself. He would ask if it was the intention of this house to procrastinate when they ordered those papers to be printed? This certainly was not an auxiliary step to the procrastination complained of by the hon. gent.

Sir *W. Milner* observed, that the noble earl who was the subject of debate, had for his services been favoured with the freedom of the city of York which he had the honour to represent, and his

constituents would have a right to complain, if he tacitly submitted to such proceeding, as had been proposed by hon. gent.

Mr. *Jeffery* again rising, said that it was not a single paper that could be brought forward that would vindicate the noble lord that he did not wish to bring on the table; but maintained, that procrastination had taken place last session on this question. More papers it appeared were still wanting, and a book must also be had which nobody knew of but the hon. member himself. He again pleaded himself, in the most pointed terms, only to bring forward the charges he made against lord St. Vincent when in office, but to substantiate them to the satisfaction of the house. The papers before the house he maintained were irrelevant to the subject. The noble lord put an end to the system that had been followed; but what did he substitute in room? The noble lord had declared that he would build 50 sail of the line; but he produced 40? had he produced 30? had he produced 20? had he produced one?

The *Speaker* here interrupted the member, by observing, that he was too far beyond the bounds assigned by the rules of the house; and that he felt it his duty to confine the hon. member to the question.

Sir *W. Young* thought it a new mode of proceeding, to judge of the relevancy of papers before the question came to be put. The person competent to judge of the relevancy of those papers was not the person who stood forward as the accuser, but the person who was accused; and it would be time enough for the house to judge of the relevancy when they should be printed before the house in a regular manner. The proceeding of the hon. member was considered as a transgression of the principles of natural justice.

Mr. *Tierney* regarded the accusation brought against the noble lord, of procrastination, as a gross and scandalous calumny. The hon. gent. seemed so confident in his own abilities as not only to think himself adequate to the management of the prosecution in this arduous case, but also anxious to have the direction and management of the defence. He recommended a greater degree of diffidence to the hon. gent., and advised him to be satisfied with taking the lead in the prosecution. It had been shrewdly suspec-

he said, that the hon. gent. had been set on in this business by other persons who had got a rap over the fingers in that department, and wished perhaps to be in good company; and nothing could serve as a greater proof of the truth of this suspicion, than the manner in which he had proceeded in this matter. He would ask the hon. gent. how he came to know what were the contents of those papers? He had not taken the trouble of reading them over, voluminous as they were, since they had been laid on the table, and how could he judge of their relevancy or irrelevancy? He must have seen them in the office then, and he begged leave to say that that was seeing them scandalously and suspiciously. He believed the papers were necessary to the defence. The charge was general, and the investigation of every department therefore that at all related to the duties of the noble lord when in office, became in some degree necessary. That papers therefore had been introduced relative to the shipwrights, could form no objection to their relevancy. It had been stated that the noble earl had abolished the old system in the naval department; but if that system was a bad one, it could form no objection to his lordship. He could assure the hon. gent. that that noble lord was much obliged to him for bringing this question before the house and the public. Instead of wishing to procrastinate, he was confident that the sooner the investigation took place, it would the more speedily illustrate his character. He only wished that that investigation should be a fair and full one, and not garbled and partial, as seemed to be the wish of the hon. mover. He again assured the hon. gent. that there would be no procrastination of the noble earl, and requested him to be a little more sparing of his invectives, as he would be heard in good time. He again repeated that the charge of procrastination was an unfounded calumny.

Mr. Jeffery assured gentlemen that nothing would give him greater satisfaction than the production of any paper that would justify the noble lord; but the papers in question he was contending were not of that description, when

The *Speaker* again interfered, informing the hon. member, that if he apprehended himself to have been misconceived in any respect, he was at liberty to explain; but that it was a transgression of order to proceed beyond the mere limits of explanation.

Mr. Jeffery then begged to be permitted to say a single word respecting the charge brought against him relative to his motives in originating this business. He was ready to assure the house, that he had taken it up without premeditation [a laugh], and in consequence of no previous consultation with any person. He had never read any of the papers in office, and had only spoken from his general knowledge of the subject.

Mr. W. Dickenson jun. corroborated this testimony so far as related to the admiralty, assuring the house, that the hon. member had had no communication with that office.—The hon. gent. was then permitted to withdraw his motion.

[CONTINENTAL WAR.] Lord Castlereagh presented, in pursuance of his majesty's command, Copies of the Treaties entered into by his majesty with various powers on the continent, with other official papers relative to that subject; correct copies of which will be found in the Appendix to this volume.—The noble lord said he wished to offer a few observations with regard to the course of proceeding on the discussion of these important papers, and of the conduct to which they referred, and also of the nature of the information which parliament might wish to possess on the subject. It was his most anxious wish, and the most anxious wish of those with whom he had the honour to act, that every thing which could tend to elucidate the great transactions on the continent during the last six months, should be before the house. He trusted that it was not with vain confidence that he and his colleagues looked to a result of the investigation creditable and honourable to themselves. But it was due to the character of this country, it was due in justice to other nations, that some disclosure of considerable delicacy should be withheld. It would therefore not be expedient to lay on the table all the discussions that had taken place with the continental powers since the close of the year 1804. In any situation of Europe the complete disclosure of these discussions would be unnecessary, but in its present situation, it would be peculiarly incompatible with the interests of some of those powers whom we ought to respect. For himself, he regretted, that the discussion of this question did not, in some degree, take place on the first night of the session, as it would have clearly pointed out to the attention of ministers, those

parts of these important transactions which the gentlemen opposite wished particularly should be elucidated. It would have served as a land-mark by which they might have shaped their communications. That calamitous event, which all regretted, had prevented this at any subsequent period; all therefore that administration could do, was to follow the course which to them seemed the most advisable; and it would be open to others to found on that course any additional motions, that might appear to them to be necessary. The house must be aware, that many of the conditions and stipulations with the continental powers must be contingent and eventual, depending on the part that they were induced by circumstances to take in the war. Ministers had not considered it their duty to lay before the house any of those conditions which were never acted upon, but those parts alone which gave activity to hostile operations. He was not prepared to say that these were the military parts merely, although the house could not but be aware, that the military stipulations must have been more productive in imparting activity than the political conditions could possibly be. Delicacy with respect to foreign powers was not so likely to be infringed by the display of the one as the other. With regard to the stipulations of the military force to be brought forward by the different powers with whom the treaties had been concluded, there were two main features to which he wished that the attention of the house might be peculiarly directed. The first was, what was the actual force which government had every reason to believe was in the field against France, and which justified them in inducing the continental powers to resist her? And the second, to what causes the failure of this grand confederacy was to be attributed? In order to enable the house to judge of the latter, ministers had ordered that there should be laid before the house details of the plan of the campaign, and of the system on which it was wished, and indeed resolved to act, to be compared with the system which really was carried into execution. The plan of military operations did not proceed from this country, because this country could not be supposed so well acquainted with their expediency. It did not proceed from Russia, because the remoteness of that power gave it little advantage in this respect over Great Britain;

but the plan of the campaign, in which was to be employed that immense force that, exclusively of any troops that might be furnished by Sweden, exclusively of any troops that might proceed from the future decision of the court of Berlin, exclusively of any troops that might be decided by the minor powers dependent on decision; independently of all these considerations, and highly estimating the merits of Russia and Austria, government had every reason to suppose, that on the first of October, the actual force, in the field, of these two combined powers, France would not agree to the terms of peace proposed to her, would amount to 500,000 men. Austria declared that she had 320,000 regulars ready at a moment's warning, beside 20,000 militia in the field. Russia had engaged to furnish 180,000 men, and did so. The plan of the campaign proceeded solely from Austria, and it would be for the house to decide whether she adhered to it according to compact. He would not pretend to say that the councils of the emperor of Russia had acted in opposition to the interest of that sovereign; he would not enter into any comments on the course pursued on that occasion: he should content himself with stating, that the aid of the Austrians beyond the Inn, and the position taken by general Macdonald at Ulm, where, in a military view, it might be said that 80,000 men were annihilated, was a breach of the plan of operations formed by Austria herself. The course which St. Petersburg had strictly conformed to the plan: 50,000 Russians arrived at the mouth of the Danube, on the Inn, two days sooner than was expected. He troubled the house with these observations, because he thought it indispensably necessary that the house should know what continental force government supposed was in the field; what was the plan of operations by which that force was to be regulated, and how the disasters that had befallen Austria were produced by her own acts, and those of others. Having stated thus on the military points of this question, he would say, with respect to the political considerations, that as far as was consistent with the safety of other nations, with the respect and delicacy which Austria had a right to demand from us, his Majesty's ministers were anxious to affect any gentleman, who stated the grou

in enquiry, such information as could be granted with safety. If, however, there was any part of their conduct, and more particularly with regard to Russia, the explanation of which would be attended with disclosures injurious to the interests of this country, and of Europe, the hon. gentlemen opposite would, in all probability, soon have an opportunity of examining, whether their doubts of the propriety of the conduct of this country were founded in fact. For his own part, there was no occurrence that he should more sincerely lament, both on private and on public grounds, than that a transaction of such great importance should, from any change of administration, be buried in darkness; or, that the details to which he had alluded, and the policy that was founded on them, should by any circumstance be prevented from being aired to the bottom. While the country had made great and extraordinary sacrifices and exertions, they ought to know, on what account those sacrifices and those exertions were required. In undertaking this discussion, he was fully aware of the severe loss which the present ministers had sustained, by being deprived of the assistance of that great man, to whom the system was chiefly indebted for its existence, and who was therefore the most completely qualified to uphold and defend it. Still, however, he trusted, that there were individuals remaining, capable of explaining the line of conduct that had been adopted, and in what way government had discharged the sacred trust that had been reposed in them. With regard to the course of proceeding which parliament ought to adopt in this important investigation, in his opinion nothing could be more desirable, than that it should be immediately commenced. But in the present situation in which the administration of the country was placed, he should be sorry by any proposition of his to embarrass their proceedings. It was likewise material, that when this discussion came on, none of those individuals should be absent, whose distinguished talents and political perspicacity qualified them so well for the enquiry. But it might happen, that trusts reposed in those individuals, would render it necessary for them to withdraw for a time from the house. For these reasons he should not fix a day for the discussion, but would content himself with merely moving, that these papers do lie on the table. From their nature, it was impos-

sible that they could pass by without discussion. The pecuniary and political stipulations which they contained, must subject them to the cognizance of the house. As at that moment he might not be in a situation to exercise a discretionary power on the kind of reformation which it might be expedient to bring forward, he hoped that, while he did not press for any improper disclosures, those gentlemen who should succeed him in office, would be disposed to deal as liberally in affording information, as the present administration had evinced their inclination to do. On to-morrow, or the next day, he hoped to have it in his power to bring down some additional papers, and he should then be happy to receive any suggestions that might be offered to him.

Mr. Fox observed, that from the nature of the subject which had been opened by the noble lord, it was impossible there should be any discussion on it at present, because many of the papers which had been alluded to were not yet before the house; neither was the nature of them at present perfectly known; and as to those which were before the house, they would require time for their perusal, and this must be done before a judgment was formed of the merits of the engagements entered into by the different powers. The question, therefore, which might arise out of them, must be deferred a while; and other questions should be previously determined—Whether the papers already brought forward, and those promised to be added to them, would be sufficient? or whether others might be desirable? And that again might depend on another question, which was, whether, if desirable, they could with propriety be laid before the house? All these matters must be decided before the general question of the conduct of the allies could be considered, as far as Great Britain had any share in their operations. And this appeared to him to answer the observation of the noble lord, as to the regret he seemed to feel that the subject was not discussed on the first night of the session: for either in the view of the case with reference to the papers themselves, or the conduct which followed the agreement to which they related, it was out of the question, until the house had a full perusal of them; but the amendment intended to have been submitted to the house by his noble friend (lord H. Petty) was calculated to have called

forth all the information to which the noble lord, who spoke last, had just alluded; and he could not help thinking, there was good foundation for asking for that information, and also for the expressions in the amendment, the object of which was to convey a sense of the house, against trusting any more of the resources of the country in the hands of incapable ministers. It was the duty of the house to take care, before they granted any farther supplies, that they should not be under the management of improper persons. As to all the detail, part of which had been opened to-night by the noble lord, it was imprudent to go into it now, because the house, at present, had not the requisite information, and for that reason he should certainly not comment on the general line of defence for administration, which the noble lord had thought fit to-night, with such imperfect materials before the house, to anticipate. With respect to farther enquiry, that was a point which the house would consider after the papers were laid before it, and after time had been taken to peruse them. Until those papers shall have been duly considered, the house could not possess the means of judging on the subject. The noble lord hinted, said the hon. gent., that it is not probable that he and those with whom he acts will be in power when that discussion may be entered upon. Who are to succeed them I do not know; but I am quite sure that those persons, be they who they may, ought to possess all the information to which the noble lord has alluded, some time before they proceed on that discussion, and that is a question entirely open now, and to which I beg to be understood as not giving any pledge, as to any opinion I may form, for that must depend on the papers, with the nature of which I am at present unacquainted. I say, again, that a correct view of that matter cannot be taken without adverting to the internal circumstances of this country. There may be, indeed, cases, as the amendment states, not necessary for such an enquiry, and on which some resolution might be entered into; but when considered with reference to the papers, it may, perhaps, appear not to be necessary to enter upon such an enquiry, at least for a while. At all events, the propriety of entering into it will stand upon a very different footing from that on which it stood on the first day of the session. Most clear it is, that the consideration of the papers should come first: that of the con-

duct of government is another matter, which, before the papers are considered as things are now partly explained, would be a very unwise man who would deliver an opinion.

Mr. Grey said, he supposed that the papers already presented would be printed and delivered in the usual way. He did not exactly understand, whether or not the noble lord had produced those papers which related to points of the confederacy that had not been acted upon, as well to those which had. He had listened with considerable attention, whilst the clerk had been reading the titles of these papers. He had heard him mention treaties between Great Britain and Sweden; treaties between Great Britain and Russia, and accession of Austria to one of the last; but he had not heard him state any dissenting treaty between the king of Great Britain and the emperor of Austria. He wished to know from the noble lord, whether or not this was an omission.

Lord Castlereagh, in explanation, informed the hon. member, that these papers had been compiled from official acts, and not from correspondences. The hon. gent. would find, that there were three treaties between Great Britain and Sweden; one treaty between Great Britain and Russia, to which latter treaty, Austria having acceded, it was thereby effectually constituted a treaty between Great Britain and Austria.—As he was on his legs, he should explain a circumstance connected with these treaties. The treaty with Russia consisted of 15 articles, one of which having been ratified, the remaining 14 were binding. Of these 14, only 9 had been laid on the table; the remaining being of a complexion, which would render the exposure of them a dereliction of trust reposed in the administration of the country, of which declaration on his part the hon. gent. would soon have an opportunity of ascertaining the ground.

Mr. Fox wished to learn, whether the thing was now before the house, or intended to be laid before the house, relative to the orders sent to the British troops on the continent, either in Hanover or elsewhere.

Lord Castlereagh said, that the papers at present brought forward, were confined to official acts; if the hon. gent. wished any information on the subject to which he alluded, he should be happy to receive commands.

Mr. Wickham asked how the troops of the continent were composed, as to numbers, at the commencement of the campaign?

Lord Castlereagh said, that the amount of the force on the continent, exclusive of British, Swedish, and the minor military powers of Germany, which his majesty's government had reason to expect were actually in the field on the 1st of October last, formed an aggregate of only 5000 short of 300,000 men; that is to say, 180,000 Russians, and 315,000 Austrians, exclusive of 20,000 militia in the Tyrol; and what rendered this credible to his majesty's ministers was, that in the month of June they were assured, in an official note, received by his majesty's government from the Austrian ambassador at the court of London, that the effective force of that power, actually in the field, was 200,000 men, and that it was expected in the course of the month to carry it up to 300,000 men.—The question was then put, and the papers were ordered to lie on the table.

[*VOTE OF THANKS TO THE NAVY, &c.*]

Lord Castlereagh, in pursuance of the notice which he had yesterday given, wished to call the attention of the house to the important subject, which he trusted the house would allow that he was justified in having postponed to the present moment. He meant the transcendent victory gained by lord Nelson, and the glorious victory subsequently obtained by sir R. Strachan, of both of which he felt his complete inadequacy to speak in terms in any degree commensurate with their merits. He would preface his address to the house on this occasion by a short history of the naval campaign, if it might be so called, that preceded these brilliant actions. The operations of this campaign commenced with the sailing of a French squadron from Rochefort to the West Indies, which was immediately followed by admiral Cochrane. This squadron only gave an opportunity to the brave admiral Prevost of shewing how an infinitely inferior British force could defend itself from hostile attacks. A squadron of 13 sail of the line then sailed from Toulon, which was instantly pursued by the immortal Nelson; and although they were considerably superior in numbers, and in strength, they quitted the West Indies without having attained any object of the least importance. And here it was impossible for him to forget the gloomy apprehensions that were at that time entertained by

some individuals of this house. There was no disaster that could befall the country, which they did not predict, as the probable consequence of what they were pleased to term the shameful neglect of his majesty's ministers. But not only were these prophecies of irreparable injury to our commerce and colonial possessions, completely falsified by the event, but, owing to the able arrangements made by the noble lord at the head of the admiralty, the country had been enabled to avert the apprehended danger, and to heap destruction on the enemy. No sooner had advice been received from lord Nelson, that the French squadron had left the West Indies, on their return to Europe, and that it was his intention to push for the Streights' mouth, with the hope of intercepting them, than the admiralty ordered the Brest squadron to suspend the blockade of that port, and the Rochefort squadron to proceed off cape Finisterre, to reinforce admiral Calder's division. Thus, there were three squadrons, which, by the able management of the admiralty board, were placed in situations in which they were likely to meet with the enemy. This event happened accordingly, and the result was, the engagement with the squadron commanded by sir R. Calder, which terminated in considerable success; two sail of the line having been captured from the enemy. Immediately afterwards the French fleet meeting with that from Ferrol, retired to Cadiz to the amount of 34 sail of the line. Not many days elapsed, before a British force was stationed in the bay of Cadiz, adequate to the blockade of the enemy's fleet; and towards the conclusion of the month of Sept. lord Nelson assumed the command, previous to the great action then approaching. Lord Nelson detached a division of this fleet to the Mediterranean. Fortunate, indeed, was it for his fame that he had done so, for it was indisputably apparent, that nothing but the knowledge of this reduction of lord Nelson's force, and the supposition that it amounted only to 21 sail, instead of 27, would have induced the combined fleets to come out and offer battle. Their object was to form a junction with the division in Carthage, and then to have appeared in the Mediterranean with a fleet approaching to 50 sail, which, in the existing circumstances of Europe, they imagined would have excited a sensation considerably favourable to their views of ambition and aggrandisement. When he contemplated the

glorious engagement which had been the result of this attempt on the part of the French, he felt it difficult to select any feature on which to dwell with peculiar praise. Never was there a more complete victory by a superior force over an inferior; never was there such a victory by an inferior force, when contending with a superior force. In every view of the subject, which even professional men could possibly take, they scarcely could suppose it in the power of one fleet to capture from another, not stationary, but under sail, the great number of 19 sail. It was a new species of success in our naval annals, and went practically far beyond what theorists had conceived it possible to accomplish in their speculations. The wonders attending this most brilliant action, were not confined to the day of combat. He should feel that he had fulfilled but half his duty to the brave men who shared in that engagement, if he did not assign to them the praise which was their due, for the firmness and perseverance with which, after having contended with the enemy, they proceeded successfully to struggle with the elements. Then was it too, that that generous spirit of self-devotion to the benefit of their fellow-creatures, those exalted principles, which it had been the glory of ancient France to cultivate, and which it has been the endeavour of modern France to extinguish; then was it that those feelings which it became every man to entertain, and every man to exercise, were proudly manifested.—But, however our admiration might be excited by this illustrious action, it was impossible not to consider, with similar sensations, the achievement of the division under sir R. Strachan, in which that gallant admiral took from the enemy every thing that they presented to him. What effect the exertions of these brave men might have had on the affairs of Europe, under more fortunate auspices, it was impossible to calculate. They had withdrawn 25 sail of the line from the service of the enemy, 15 of which were French, and ten Spanish. Of 25, ten had been transferred to the service of this country. The relative situation, therefore, of the navy of this country, and of the navies of our enemies, was altered by a difference of 35 sail of the line, being equal to nearly one half of the whole naval force of the enemy. This advantage, however, was not the sole result; but from the admirable superintendence of the admiralty board, no interruption had arisen from the injury which

our fleets necessarily sustained in these severe contests. Other ships were prepared immediately to supply these deficiencies. It was not the least extraordinary circumstance attending these brilliant transactions that after such a combat with the enemy and such a contest with the elements, they had the heartfelt satisfaction to see every individual ship that had been engaged brought back safely to a British port; the enemy were thus precluded from ostentatious self-congratulations, in which they doubtless would have indulged, if a single British vessel fallen a victim to their arms or to the fury of the elements. Every one must feel, that the security of the empire, so far as it depended on naval strength, was placed on a firmer basis than ever. He could not refrain from mentioning, that the victory of Trafalgar had happened on a day which was calculated to make the head of the French empire feel, that there was yet a power in the world, capable of controlling his rebellious ambition. On that very day he had declared the designs which he meditated against this country, and on that very day he received, in the chastisement of his fleets, a lesson which, it was to be hoped he would never forget, and which would teach him what he had to expect from gallantry and determined bravery of British tons.—But it was impossible that such exploits should be performed, and that the country should be satisfied with a mere admiration. He pretended not to do justice to that misfortune, in the loss of the noble hero, who commanded in chief to which, however, justice had been done by the unaffected letter of the gallant admiral who had succeeded him. Such feelings were the feelings of regret at the decease of the noble viscount, that it came a question, whether they did not exceed the exultation which his victory had occasioned. There was every reason to praise in the character of the individual he had alluded to, whose conduct from his very infancy had been a life of heroism. There was something apparently intuitive in his nature, which prompted him to the execution of grand schemes which appeared to be out of the resources of his profession. He had the power of attaching individuals to him by his personal qualities, he controlled them by the superior mind which he displayed, and his genius and his fortune conspired to enable him to lead them to successful enterprise.

considering the whole of the victories had shed lustre on his name, it be found, that each was marked with peculiar and distinguishing traits. His house reverted to the battle of r, they must recollect his daring successful attempt to pass between e and the shore. His conduct at agen evinced equal originality, and his whole life was a series of achievements, which proved the abundance and the variety of the resources of his capacious mind. In considering his life, we should also consider every thing that could afford consolation. It frequently happened that great souls were enshrined in feeble frames. This was the case with that illustrious character; he contended with the various malady which he was assailed, with so little success, that the day might possibly have been when he might be placed in opposition to the enemy with diminished power. It was therefore some degree of consolation, that the great history of his life had been wound up in honour, that his name was out of the reach of misfortune. He was sure that he should disappoint his house, if he did not shortly advert to his majesty in his beneficence had remained to do, to mark the sense which the crown entertained of his services. The individual was past gratitude, but the debt remained; and he was convinced that the country was desirous that some great mark of public acknowledgment should be bestowed on them. With respect to the quantum of that acknowledgment, it was impossible to measure it by those services. Without, therefore, looking to what was commensurate to the benefit derived from the noble viscount's services, it was rather considered what was fitting for the country to allow. He did not know whether those with whom he acted should have the power of conferring this acknowledgment, but he was sure, that from whomsoever it might proceed, it should be accompanied with that liberality which was characteristic of British gratitude. It was proposed to make a provision for his widow, correspondent to the rank which she held in society, and to the rank which she possessed on public gratitude. The sum in contemplation was an annuity for lady Nelson's life of 2000*l.* It was, of course, unconnected with the object of the royal intimation, which recommended the affixing some splendid ap-

pendages to the present earl. It certainly was not necessary to make for that nobleman a provision so munificent as to remove him from the sphere in which he now moved. It had been thought expedient, that this provision should be made not as a grant to the family, but as national property, intrusted to their possession; that it should be invested in lands; and that though a magnificent palace should not be erected, yet that an edifice conformable to their public rank and estimation should be built for the family. With a view to these objects, it was in contemplation to appropriate the sum of 200,000*l.* to be vested in the hands of public trustees, the two houses of parliament, and other high characters, to be applied in the manner which seemed best calculated to obtain the end proposed. It had occurred to government, that this would be consistent with the rank which it was desirable that the family of lord Nelson should bear in the country, without going on too exaggerated a scale.—It was unnecessary for him to trespass any longer on the attention of the house. Any thing, indeed, that he could say, would be far from enough to manifest the sense, which he, in common with the country at large, entertained of the services of the illustrious hero. Great, however, as was the national loss in this instance, he could not but think that it was attended by a national advantage. He could not but think, that he would serve as a model for his profession to study. He had shewn, through the course of a long life, what determined perseverance, and unshaken devotion to his country, could accomplish. It was a great object, in any service, to know what could be done in that service. The life and achievements of lord Nelson would continue to animate the British navy to the end of time. He certainly did not mean to say, that our navy required any thing to render it more courageous in presence of an enemy, but still the example of lord Nelson would shew them what skill and enterprize, combined with bravery, was capable of effecting. He had thought it an act of his parliamentary duty not to pass over (to do justice to, was beyond his power) the splendid character whom all had so much reason to lament. He trusted that he should not be supposed insensible of the merits of the gallant officers under lord Nelson, of the merits of lord Collingwood, lord Northesk and sir R. Strachan; never, indeed, was

there an instance in which every man had done his duty so completely as in the occurrences then under the consideration of the house. He must therefore hope to stand acquitted, of having allowed the absorbent merit of one character to induce him to withhold his gratitude from the rest.—The noble lord concluded with moving; 1. "That an humble address be presented to his majesty, that his majesty will be graciously pleased to give directions, that a monument be erected in the cathedral church of St. Paul, London, to the memory of the late ever-to-be-lamented lord viscount Nelson, who fell gloriously in the moment of the most brilliant and decisive victory, obtained by his skill and enterprize over the combined fleet of France and Spain, off Cape Trafalgar, on the 21st of October last; and to assure his majesty that this house will make good the expence attending the same." 2. "That the thanks of this house be given to vice-admiral lord Collingwood, for his able and gallant conduct in the most glorious and decisive victory obtained by the late vice-admiral lord viscount Nelson, over the combined fleet of France and Spain, off Cape Trafalgar, on the 21st of October last."

Lord *Castlereagh* took this opportunity of observing, that it was meant hereafter to propose, that some provision should be made for lord Collingwood and sir R. Strachan.

Mr. *Sheridan* enquired whether or not any reward was interded for the earl of Northesk?

Lord *Castlereagh* replied in the affirmative.

Mr. *Baker* objected to this second resolution; that it did not come up to the services of the noble lord, as it merely stated them generally under the term "able and gallant conduct," without that distinct enumeration to which, in his opinion, they were indubitably entitled.

Lord *Castlereagh* answered, that this had not escaped the attention of his majesty's ministers. On an ample consideration of the subject, however, whatever might be the high sense entertained by them of the gallant lord's conduct, it had been deemed advisable, to prevent the establishment of a precedent which might create confusion in some future case where differences of opinion might exist, to conform the resolution to the words usually adopted on similar occasions. The noble lord then

moved, 3. "That the thanks of this house be given to rear-admiral the earl of Northesk, and the several captains and officers in the fleet under the command of the lord viscount Nelson, who, by their bravery and good conduct, contributed to that glorious and decisive victory; and that vice-admiral lord Collingwood do signify the same to rear-admiral the earl of Northesk and the several captains and officers."

4. "That this house doth highly approve of, and acknowledge, the services of seamen and marines on board the ships under the command of the late lord viscount Nelson, in the most glorious and decisive victory over the combined fleet of France and Spain off Cape Trafalgar, on the 21st of October last; and that the officers commanding the several ships do signify the same to their respective crews, and thank them for their good behaviour."

5. "That an humble address be presented to his majesty, that his majesty will be graciously pleased to give directions, that monuments be erected in the cathedral church of St. Paul, London, to the memory of capt. George Duff, and capt. John Colborne, who fell gloriously in that signal victory, and to assure his majesty, that this house will make good the expence attending the same."

6. "That the thanks of this house be given to rear-admiral sir R. Strachan, bart. for his able and gallant conduct in the defeat and capture of a French squadron on the 4th day of Nov. last." 7. "That the thanks of this house be given to captains and officers in the squadron under the command of sir R. Strachan, bart. by their bravery and good conduct contributed to the success of that day; and rear-admiral sir R. Strachan, bart. do signify the same to the several captains and officers." The above resolutions were carried, *nem. con.*

Lord *Castlereagh* then moved, 8. "That this house doth highly approve of, and acknowledge, the services of the seamen and marines on board the ships under the command of rear-admiral sir R. Strachan, in the victory obtained over the squadron of the enemy on the 4th day of Nov. last; and that the officers commanding the several ships do signify the same to their respective crews, and do thank them for their good behaviour." On the speaker putting the question,

Mr. *Fox* begged leave to offer a few words. He had made no reply to the speech of the noble lord opposite, be-

anxious that the motions proposed have the reality as well as the appearance of unanimity. There were two which seemed to him to call for comment.

The one was the liberty which the lord had taken, in introducing into a motion of the nature of that which he had delivered, a panegyric on the admiralty, for which any other time would certainly have been preferable to the present. The other was on the omission of any mention of his majesty's gratitude to lord Northesk. He believed that if we looked at the whole history of our naval services, we should not meet with a single instance in which, in such a large fleet, a third in command had not received distinction from the royal favour. The earl of Northesk was the only person whose merit had passed unnoticed.

Lord Castlereagh declared that he felt it impossible to speak on the subject which this evening been the theme of his commendation, and separate that subject from the mention of the conduct of the admiral's board. He trusted he did not go far in this respect than what he was wanted to do by the occasion. Certainly, if he had felt entitled to express his sentiments of the laborious services of a distinguished individual at the head of a department of government, he should have confined his approbation within narrow limits. He had never the misfortune of knowing that nobleman until he came into office, but the manner in which he had conducted himself, had shewn him to be eminently worthy of the situation. He had not only been assiduously attentive to the military operations of our navy, but had been indefatigably engaged in directing and modifying the practice in the naval department; and if he were now to retire from the high office which he held, he would do it after having planted deep the roots of the naval strength of the empire. With regard to the earl of Northesk, he had no difficulty in saying, that though no intimation of that nature had been made to the king, his majesty certainly destined for that gallant nobleman a strong mark of his favour, which was to create him a knight of the bath.

Mr. Fox thought there was no reason to be moved for the delay. He begged it to be understood, that he had not the least intention to convey an idea of any disrespect to the present first lord of the admiralty: he only objected to the mode in which

praise had been introduced, and which ought to have been confined to those who were the objects of it. He should have made the same objection to the praise, as not belonging to the subject before the house, even if lord Spencer or lord St. Vincent were at the head of the admiralty, were they to be made the objects of praise when the real subject related to officers whose skill and courage had achieved a victory. Nay, so unconnected was that idea with the conduct of the admiralty, that the one might be a contrast to the other, and borrow some of its excellence from the defects of the other. Here again he must repeat, he had no intention to say one word against the present first lord of the admiralty; but praising government when naval officers were alone the objects of praise, was a bad mode of doing things; it was uniting two subjects which had no connection with each other. It was not usual neither, and would be a bad precedent. It was not attempted, when thanks were voted to lord Howe or lord St. Vincent.

Mr. Grey, conceiving that some part of the noble lord's observations alluded to remarks which had fallen from him on a former occasion, respecting the conduct of the admiralty, and the unprotected state of our West-India Islands, said, that he saw nothing in the speech of the noble lord to induce him to alter his opinion. If the evils which he apprehended had not come to pass, it was owing to Providence or the bad conduct of the enemy. He accused his majesty's ministers of a culpable delay in conferring a reward on rear-admiral lord Northesk.

Lord Castlereagh denied that there was any unnecessary delay; and affirmed that the allegation was highly disrespectful to his majesty.

Mr. Grey denied with warmth, the charge of disrespect to his sovereign, which he should be the last man to be guilty of. He persisted in accusing the ministry of culpable neglect, in omitting to reward lord Northesk. Were the merits of that noble admiral doubtful? Was not a peerage immediately sent to admiral Collingwood? Why was not the same promptitude shewn in respect to lord Northesk?

Lord Castlereagh explained, that the delay was solely occasioned by a wish to consider maturely of the best method of conferring a reward on the noble lord who was the subject of debate.

General Grosvenor observed, that admiral Harvey, who commanded the *Téméraire*, had also distinguished himself most honourably in one of the engagements, which gave a foundation for the thanks of the house being voted. Having been an old companion, and an old fellow-member in that house, he would have been glad if that honourable and gallant officer's name had been also mentioned in the vote of thanks. He should, therefore, conclude in the words of the song—

“How 'twould cheer

Our hearts to hear,

“That our old Companion he was one.”

The resolution was then put and carried, *acm. con.*

[COMMITTEE OF SUPPLY.] Mr. Alexander reported from the committee of supply, the resolutions which the committee had directed him to report to the house; which are as follows, viz. “1. That 120,000 men be employed for the sea service for the year 1806, including 29,000 royal marines. 2. That a sum, not exceeding £,886,000*l.* be granted to his majesty, for wages of the said 120,000 men, for 13 months, at the rate of 1*l.* 17*s.* per man per month. 3. That a sum not exceeding 2,964,000*l.* be granted to his majesty for victuals for the said 120,000 men, for 13 months, at the rate of 1*l.* 18*s.* per man per month. 4. That a sum, not exceeding 4,680,000*l.* be granted to his majesty, for the wear and tear of the ships in which the said 120,000 men are to serve, for 13 months, at the rate of 3*l.* per man per month. 5. That a sum, not exceeding 389,000*l.* be granted to his majesty, for ordnance for sea service on board the ships in which the said 120,000 men are to serve, for 13 months, at the rate of 5*s.* per man per month.”

HOUSE OF COMMONS.

Wednesday, January 29.

[MINUTES.] On the motion of Mr. S. Bourne, it was ordered, that the house should, at its rising, adjourn to Friday, to-morrow being the anniversary of king Charles's martyrdom.—It was also ordered, on the motion of Mr. S. Bourne, that the house should not receive any private petitions after Friday, 7th March. The Speaker recommended this order to the attention of the house. It was certainly in the discretion of the house, whether it would extend the time for receiving printed petitions further. But in making the

order, it was understood, that a proper limit was fixed. The time allowed by present order was fully sufficient, if they who might have petitions to present would pay due attention to the convenience of the house, and much trouble would be spared by this observance.—Mr. S. Bourne presented to the house, “an Account of the amount of premiums, bounties, and sums of money, expended under act Geo. III. cap. 99, for granting bounty for taking and bringing Fish to London & Westminster, and other places in the United Kingdom, in the last season; where premiums or bounties have been given in consequence of directions from the commissioners of his majesty's treasury with a duplicate thereof.” Ordered to be laid upon the table.—The house resolved itself into a committee of ways and means, and voted the duties on land, malt, pension offices, sugar, tobacco, and snuff. The report was ordered to be received on Friday.—Mr. Young, from the commissioners of the customs, presented at the bar, “Account of the total number of vessels with the amount of their tonnage, which had been registered in his majesty's dominions on the 30th Sept. in the years 18 and 4; distinguishing each year; and also an account of the number of vessels, with the amount of their tonnage, which have been annually built and registered in several ports of the British Empire, between 5th Jan. 1793 and 5th Jan. 1806.” Ordered to lie upon the table.—Mr. Jarvis Fitzgerald gave notice that on Friday next he would move for leave to bring in a bill to ascertain the exact state of the population of Ireland.

[AFFAIRS OF INDIA.] Mr. Paull rose to make his promised motion, respecting the production of lord Melville's letter, relative to the Company's debt. Many persons might be perhaps disposed to ask, upon what grounds such a young member as was, should obtrude himself so frequently on the house on the affairs of India. To such persons his answer was plain and simple. He was conscious of the imminent danger which threatened our India possessions, and therefore he was resolved to raise his voice, however feeble, with a view to rouse the attention of the house to this point. The house did not seem to be aware of the alarming state of the affairs of India. When the debt of India amounted to 14 millions, lord Melville had written to the chairman of the company,

commending a plan, which, in those circumstances, appeared to him absolutely necessary to be pursued, and expressing his opinion, that if it was not pursued, the consequences would be dangerous, not only to the concerns of the East-India company, but injurious to the prosperity of the country at large. His object in moving for this letter of lord Melville, written when the debt of the company was only 14 millions, was this: he designed, on some future day, to move for a select committee of the house, to enquire into the causes of the alarming increase of the debt of the company, and of their failure to comply with the conditions and stipulations agreed upon in their charter. The object which he had at present in view, was one of the last importance, since the debt of the company had increased from 14 to 30 millions, in the thirteenth year from the renewal of their charter, without any of the conditions agreed upon having been performed on their parts. It was high time to enquire into the causes of these singular circumstances. It was with this view that he moved for the letter of lord Melville. Having read the motion, the hon. gent. begged leave to add one word more: lord Melville had written to the court of directors upon this subject, in the most earnest manner; and, indeed, his opinion had been given them, in some measure, with all the solemnity of a death-bed warning. He would say this of lord Melville, that his plans for the regulation of India were well conceived, and discovered proofs of no ordinary comprehension in him who proposed them. Upon the execution of them, indeed, he was of opinion, that the very existence of India, as connected with this country, depended, and therefore he hoped that the directors themselves would come forward and promote this enquiry; or, if not, that the board of controul, or some individual of that board, would come forward and give every assistance to the measure. If the debt of 14 millions appalled lord Melville, what ought to be the vigour and attention employed now, when the debt amounted to 30 millions? The directors and the board of controul were in some degree bound by these circumstances to come forward and give their support to such an enquiry as he proposed. It would be said, and he wished to anticipate this objection, that the alarming increase of the debt arose from the wars that had taken place in India. He

was firmly persuaded, however, that the debt had not increased from this cause particularly, and he engaged to shew, unless the directors came forward in this affair, that it was owing to a cause of a very different nature. He was resolved, at least as far as lay in his power, to fix responsibility where it ought to attach, and this was the great object which he had in view, in the efforts which he made, and was inclined to make, on this subject. The hon. gent. concluded by moving, "That there be laid before the house a copy of the letter from the right hon. Henry Dundas, now lord viscount Melville, to the chairman of the East-India Company, dated the 30th of June, 1801."

Mr. Wallace said, he had no objection to the production of the letter now called for, but at the same time he wished it to be understood that in acceding to this he did not by any means accede to the propriety and truth of the observations of the hon. gent. who had made the motion, or to any future motions or opinions that might, by him, be founded upon it. This also he must say, that the hon. gent. had not acted altogether with strict fairness, in making his motion so early, and prefacing it with so many remarks, which would have been more properly introduced when those were present who might be able, from the situations they held, to meet them in a clear and proper manner. The hon. gent. had adverted to the cause of the increase of the debt, and touched upon one argument against him, which he wished to anticipate. He was correct in supposing that war would be alledged as the great cause of the increase of the India Debt, and he had no doubt that when the subject came to be investigated, this would be proved to be the real state of the case.

Mr. Paull wished to say one word in reply. He had come early to the house, and had certainly waited a reasonable time for those who might be best informed upon, and most interested in this business. It was not his wish to take the house, or any person in it, by surprise; but he had a most important object in view, and was convinced that delay would be highly prejudicial to the interests of the country. If there was a cause of the debt, foreign to the war in which India had been engaged, and if by this cause the public had been deprived of the benefits that might result from the performance of the conditions of the East-India Company's charter, it was

high time the business should be investigated, and that no delay should take place, beyond what was absolutely necessary from the nature of the thing itself.—The motion was then put and agreed to. After which the hon. gent. gave notice, that on Tuesday se'nnight he would move for a select committee to enquire into the causes of the alarming increase of the debt of the East-India company, and of their failure to perform the conditions, terms, and stipulations, contained in their charter.

[*ARMY ESTIMATES.*] The *Secretary at War* presented estimates of the expences of the army in Great Britain and Ireland, on the continent, and the colonies, of guards and garrisons, militia forces, &c. for three months, from 25th Dec. 1805. The right hon. gent. in giving notice that it was his intention to move these estimates on Friday, thought it necessary to state, that he brought them before the house in consequence of the total exhaustion of the funds granted last year for the army estimates, by which an immediate provision was required for the current service. He had framed them on the scale of the last year, and the short period of three months, in order that the new administration might have an early opportunity of reconsidering them and making any alteration they might think proper. Under these circumstances, he trusted there could be no objection to his moving them on Friday.

HOUSE OF LORDS.

Friday, January 31.

[*CONTINENTAL WAR.*] Lord *Mulgrave* observed, that in reference to what he had stated on a former evening, he should have, by command of his majesty, to lay before the house, on Monday next, some additional papers and documents, relative to the treaties, copies of which he laid on the table last Tuesday. Of these, the prints were ready for delivery. When the additional documents should be before the house, he should have to trouble their lordships with some observations respecting the nature and effect of those treaties, and the reasons for the farther communication of papers to the extent to which they should be laid before the house, and why a farther selection of papers was deemed unnecessary. He hoped what he then said would be sufficient to induce a

full attendance of their lordships, &c. consideration of what he should submit. After some routine business was transacted, the noble lord again rose, and stated, that, after further consideration, he thought it would be proper, in order to insure a full attendance for the discussion of a subject of such public magnitude and importance, to have their lordships summoned; and that Tuesday next would most probably be the day on which he should have to submit considerations to which he alluded. He should move, that the lords be summoned for Tuesday next: this, on the question being put, was ordered accordingly.

HOUSE OF COMMONS.

Friday, January 31.

[*MINUTES.*] Mr. W. Pole presented an account of the expenditure of the ordnance, which had not been provided for by parliament, and an estimate of the probable events of that department for a certain period. The hon. member observed, that his motive in bringing forward this account was, in order that the department to which it referred should experience no objection, but that the treasury should be enabled to issue the sums necessary for supply, until the new administration might be arranged, and prepared to bring forward the ordnance estimates for the year. The account, &c. was ordered to lie on the table, and the hon. gent. gave notice, that he would on Monday next, in the course of supply, move the grants required. Alexander brought up the report of a committee of ways and means; the solutions of which were read and agreed to, and bills ordered to be brought forward accordingly.—Lord Stopford appeared at the bar, and stated that his majesty had waited upon with the addresses of the house, relative to the erection of a monument to lord Nelson, at St. Paul's; the erection of monuments to captains and Cooke; the interment of the remains of Mr. Pitt, &c. and that his majesty was graciously pleased to express his readiness to comply with the wishes of the house. Mr. Huskisson presented, a "List of countants in respect of whom the execution of any process hath been continued, suspended, or prevented, by authority of his majesty, within the year preceding the commencement of the present session of parliament."—Mr. Keene moved for copies or extracts of the proceedings of

chief governor and council of India, respecting the several claims of individuals upon the late and present nabob of Oude, together with a report of the proceedings of the court of directors upon the same subject." Ordered.—Mr. S. Bourne rose to move the reading of the order for a ballot upon the subject of the petition which related to the last Middlesex election; with a view, he said, to follow it up by a motion, that that order should be discharged, and the ballot postponed to another day. The hon. member stated, that as it did not appear probable that the number required for a ballot, would in the present circumstances attend on Friday next; and, as in case of their non-attendance, adjournment would of course take place, which would produce a delay attended with much inconvenience to the public business; it was therefore his wish to fix the ballot for Friday, when the attendance of a sufficient number of members was more likely. The hon. member thought it unnecessary to give any previous notice of this motion, as neither of the parties immediately interested had any objection to the proposed postponement. The Speaker apprehended that previous notice of such a motion ought to be given, even though both the parties concerned were disposed to consent to the motion itself. For the principal object of such notices was, that the house should not be taken by surprise. Agreeably to this suggestion, Mr. S. Bourne gave notice of his motion for Monday next.

[*IRISH POPULATION BILL.*] Mr. *James Fitzgerald* rose, pursuant to notice, to move for leave to bring in a bill for the purpose of ascertaining the population of Ireland. The right hon. gent. expressed his wish to assimilate the laws and regulations of Ireland to those of this country, as far as it was just and expedient. To the speaker he observed that this part of the united kingdom was, among other advantages, indebted for a measure of a similar nature; and he was happy to know that the proposition he was about to submit to the house, met the approbation of that justly respected personage. It must indeed be obvious to every man conversant with the subject, that to ascertain the population of a country, was a grand *desideratum* in political economy, whether considered with regard to its physical force, its agricultural produce, or its financial capacities. In Ireland, the right hon. gent. observed, there were not the same facilities for enu-

merating the population that were to be found in this country. For, in that part of the united kingdom, there was no regular registry of births or deaths. Besides, there were no poor-laws; through the overseers and others employed in the execution of which, in England, means were easily had to discover the number of the population. Therefore, to remedy this inconvenience with regard to Ireland, the right hon. gent. proposed to introduce a clause into the bill, authorising the magistrates of the county of the city of Dublin, with the advice of their recorder, and the magistrates of the other Irish counties, aided by the advice of the assistant barrister, at a general quarter sessions, to appoint one or more householder, according to necessity, for each barony, parish, or such other district as might be deemed expedient, for the purpose of collecting a list of the inhabitants of such districts, the expence arising from such appointments, &c. to be defrayed by the assessment of the grand juries of the several counties, in the same manner as presentments for roads, &c. are now provided for. The right hon. gent. stated his intention to move that the bill should, as soon as it was brought in, be read a first time and printed. He would then let it stand over for some time, in order that all persons concerned should have a full opportunity of examining it, and from that consideration, he should not move the second reading until after the Easter recess.—The motion was agreed to, and the right hon. mover was appointed, with Mr. Grattan and others, to prepare and bring in the bill.

[*ARMY ESTIMATES*] The *Secretary at War*, in moving that the house should resolve itself into a committee of supply, for the purpose of taking the army estimates into consideration, took occasion to observe, that he hoped there would be no objection to the proposed mode of proceeding, although it was a departure from the general custom with regard to army estimates. These estimates were, usually, at least a week on the table, before any proposition was made to vote them in the committee; and such time for previous consideration was no doubt proper and necessary, upon a vote of such magnitude. But yet in this case, although the estimates were but two days on the table, he trusted that the peculiar circumstances of the country would reconcile the house to the course he meant to pursue. When the

new administration was arranged, an adjournment for a fortnight was likely to take place, and if the estimates he had the honour to present, were not voted previous to such adjournment, considerable embarrassment would arise in the military department. This circumstance would, he had no doubt, prevent any objection to the motions he proposed to submit; such objection there would be the less inclination to press, when it was understood that the estimates on the table reached only to the 24th of March next, and were formed on the same scale as those of the last year; thus it was left open for those who were to succeed to the administration to make up the military arrangements for the remainder of the year. Upon these grounds he trusted, that in bringing forward the supplies in the way he had described, he should stand acquitted in the judgment of the house of any wish to intrude himself, or any unnecessary plan, upon their consideration. If any precedent were wanted to justify the conduct he adopted, he could refer to the act of one of his predecessors in office (Mr. Windham), to whose very superior abilities he was ready to pay the utmost deference. That right hon. gent. he remembered, in the year 1799, laid the army estimates on the table on the 1st of Oct. and they were voted on the 3d. They were on his proposition adopted. But, independently of precedent, he was persuaded that the urgency of the present circumstances would induce the house to accede to his motion.—The army estimates were then referred to a committee of supply, into which the house resolved.

The *Secretary at War*, before he made any motion, observed, that on recollection he had forgot to state to the committee that there was some addition to the scale upon which the estimates for last year were granted, and this addition was occasioned by the augmentation of the regular army; particularly owing to the transfer of men from the militia, in consequence of the act of last sessions. To this addition he did not apprehend that any gent. would be disposed to object. It would be recollected, that if any part of the estimates should appear to be overrated, a proportionate deduction might be made in the estimates to be brought forward in March. The right hon. gent. concluded with submitting the following resolutions; which were acceded to.—1st, 134,473 effective men, including com-

missioned and non-commissioned officers for the service of the united kingdom, on the continent, for three months, from the 25th of Dec. to the 24th of Mar. both inclusive. 2d, 1,193,105*l.* for subsistence of this force. 3d, 505,000*l.* for the use of our troops, &c. in the garrisons, including Gibraltar, the Mediterranean, Ceylon, and New South Wales. 4th, 647,584*l.* for the subsistence, &c. of the militia of the united kingdom, and the corps of miners in Devon and Cornwall.

Sir John Wrottesley asked whether allowance to the volunteers was included in these estimates; and also whether provision was made for the clothing of any of that body?

The *Secretary at War* answered in the negative. The estimate respecting the volunteers was brought forward separately last year, and the same course would be pursued in the present. The provision that description of force, was not so urgent in point of time, as any of those which the votes of the committee related to. No doubt, provision would be made for the volunteer force in the course of the session, and that the necessary allowance for clothing would be included in that provision.—The house resumed, and the motion was ordered to be brought up on Monday.

HOUSE OF COMMONS.

Saturday, February 1.

[MINUTES.] Mr. Alexander brought up the report of the committee of supply on the army estimates. The resolutions were agreed to, *nem. con.*—Mr. Alexander brought up bills for continuing for one year, the expiration of the last grant, the duties on land, malt, &c. The bills were read a first time, and ordered to be read a second time on Monday.—Lord Castlereagh presented the following message from his majesty, viz. “Geo. R. His majesty having taken into his royal consideration the splendid and unparalleled achievements of the late vice-admiral Lord Nelson, kn’t. of the most honourable order of the Bath, during a life spent in the service of his country, and terminated in the moment of victory by a glorious death, and being desirous of conferring on his relict lady viscountess Nelson a net annuity of 2000*l.* per annum for the term of her natural life, commends it to his faithful commons to consider of a proper method of enabling

"his majesty to grant such annuity, and of
 "securing and settling the same in such
 "manner as shall be thought most effectual
 "for the benefit of the said lady viscountess
 "Nelson. G. R."—Lord Castlereagh presented the following message from his majesty, viz. "Geo. R. His majesty having
 "taken into his royal consideration the
 "signal and important service performed
 "by Cuthbert lord Collingwood, vice-admiral of the blue, in the ever-memorable and decisive victory obtained by the
 "fleet under the command of vice-admiral
 "lord viscount Nelson over the combined
 "fleets of France and Spain off Cape Trafalgar, in the month of Oct. last; and
 "his highly meritorious conduct after the
 "action, not only highly honourable to
 "himself, but greatly beneficial to the
 "united kingdom; and being desirous
 "to bestow upon the said Cuthbert lord
 "Collingwood some considerable and lasting mark of his royal favour, as a testimony of his majesty's approbation of the
 "said services; and for this purpose to
 "give and grant unto the said Cuthbert
 "lord Collingwood, and to the two next
 "succeeding heirs male of the body of the
 "said Cuthbert lord Collingwood, to whom
 "the title of baron Collingwood shall descend, for and during their lives, a net
 "annuity of 2000*l.* per annum; but his
 "majesty not having it in his power to
 "grant an annuity to that amount, or to
 "extend the effect of the said grant beyond the term of his own life, recommends it to his faithful commons to consider of a proper method of enabling his
 "majesty to grant the same, and of extending, securing, and settling such annuity to the said Cuthbert lord Collingwood, and to the two next persons on
 "whom the title of baron Collingwood shall descend, in such manner as shall
 "be thought most effectual for the benefit
 "of the said Cuthbert lord Collingwood
 "and his family. G. R."—Lord Castlereagh presented also, the following message from his majesty, viz. "Geo. R.
 "His majesty being desirous of conferring
 "a signal mark of his favour and approbation on rear-admiral sir Richard
 "Strachan, bart. in consequence of the
 "eminent services rendered by him, in the
 "capture of a French squadron in the
 "month of Nov. last, and of the valour
 "and skill displayed by him on that occasion, recommends it to his faithful commons to enable his majesty to make pro-

"vision for securing to the said sir Richard
 "Strachan a pension of 1000*l.* per ann.
 "for the term of his natural life. G. R." Resolved, that the house would on Monday next, resolve itself into a committee of the whole house, on the said messages.—Lord Castlereagh gave notice, that he would on Monday move an address to his majesty, for the erection of a monument to the memory of the late marquis Cornwallis.

[AFFAIRS OF INDIA.] Mr. Wallace rose, to move for the production of certain papers referring to a subject which an hon. gent. (Mr. Paull) had thought proper to bring under the consideration of the house. These papers, the hon. gent. stated, were necessary fully to elucidate the different questions to which an hon. gent. (Mr. Francis) had alluded in the course of the last sessions. They referred principally to those treaties and transactions in India, upon which it was endeavoured to inculcate the character of the noble marquis (Wellesley) who lately presided over the government of that country. To repel the charges against that noble marquis, and to enable the house completely to understand, and satisfactorily to determine upon the whole of the transactions alluded to, the papers he meant to move for were essentially necessary. The hon. gent. concluded with moving for the production of "extracts of the letters addressed by the governor-general in council on the 28th of August, 1786, to the court of directors, on the subject of the troops employed by the nabob of Oude, &c. together with a copy of the answer of the directors to the said letter in the year 1787."

Mr. Paull expressed his surprise and dissatisfaction that such delay should have occurred in bringing forward the papers which had been some time since ordered, pursuant to his motion, and wished to know from the hon. gent. why such delay had occurred?

Mr. Wallace replied, that, according to the terms of the orders alluded to, which left to the board of controul a discretion of considering which of the papers the hon. gent. moved for could be produced, consistently with the interest of the public service, that board had taken the subject into their serious consideration, and as soon as their decision could be formed, the orders of the house would be complied with.

Mr. *Paull* observed, that the papers he had moved for were so essential to the ends of justice, particularly with regard to the nabob of Oude, that he thought it incumbent on the board of controul to come forward and state the reasons why they declined to lay them before the house.

Mr. *Wallace* begged the hon. gent. to recollect, that the papers he referred to had not been refused.

Mr. *Wallace* moved also for the copies of several letters, addressed by the residents at the court of Oude, &c. to the governor-general in council; the letters of governor Duncan, generals St. Vincent and Craig, &c. from the year 1785 to that of 1801, together with the political letters of lord Cornwallis, to the court of directors, during the several years of his government in India.—These motions were agreed to.

Mr. *Wallace* then mentioned, that as allusion had been frequently made elsewhere to a letter addressed by the court of directors to the governor-general and council of India, for the purpose of annulling the appointment of the hon. Henry Wellesley to the office of lieutenant general of certain provinces which had been transferred to our dominion, he thought it necessary to say that no such letter had ever been sent out. Such a letter had, no doubt, been transmitted by the court of directors to the board of controul; but that board had thought proper to refuse sending it to India, and returned it to the directors, accompanied by a letter containing the reasons of that refusal. Drafts of the original letter and the reply it was his wish to have laid before the house, in order that a subject which had been much animadverted upon should be fully understood. The right hon. gent. submitted motions accordingly, which were agreed to.

HOUSE OF COMMONS.

Monday, February 3.

[MINUTES.] On the motion of Mr. S. Bourne the order of the day for taking into consideration the petition, complaining of an undue election for the county of Middlesex, was read and discharged, and the same order fixed for Friday next.—Mr. W. M. Pitt presented a petition from the debtors confined in the gaol of Dorset, praying for relief. Ordered to lie on the table.—Mr. H. Lascelles brought up the report of the committee on the York West-

Riding petition, conformably to which he was given to bring in a bill for the erection of a court-house, for the better accommodation of the justices of the peace for the Riding.—On the motion of Mr. S. Bourne a new writ was ordered for the borough of Wendover, in the room of the right hon. Charles Long, who, since his election, accepted of the office of chief secretary to the lord lieutenant of Ireland.—The new duty bill was read a second time and ordered to be committed to-morrow.—A bill for the better regulation of the pension, office, and personal estates of the king was also read a second time and committed to-morrow.—On the motion of Mr. W. Pole, the house went into a committee to consider further of the supply to be granted to his majesty. To this committee was also referred the estimate presented on Friday last of the sums expended by the board of ordnance, and not provided for by parliament. Resolutions were adopted for granting such sums as might cover the estimates; and the house having resumed, the report was ordered to be received to-morrow.

[MONUMENT TO MARQUIS CORNWALLIS.] Lord *Castlereagh*, in rising to the attention of the house to the motion of which he had given notice on a former night, declared, that no man was more strongly impressed than himself with conviction, that the country ought not to be called upon to grant the highest honours it had to bestow, unless the claim to those honours was clearly and distinctly made out. As a general principle, it was wise and prudent, that those honours should rather be given in the contemplation of some splendid and signal services, which were admitted of no dispute, than for the general merits of a life mixed with political contest, about which there might be a difference of opinion. This rule, however, though general, was by no means univocal. Some splendid exceptions had occurred, and cases which were not to be confined within the common course of precedent. The case he had now to present to consideration of the house was not of a common nature. The motion he had to make was respecting the honours which should be paid to the memory of a man who had something in his character and the whole of his conduct, which disengaged all party feeling, and made every one inclined to pay him the tribute of public gratitude and of individual respect. The marquis Cornwallis was a man whom

lents were, perhaps, not of a nature sufficiently splendid to distinguish him by eloquence in the senate, but yet his career was useful and brilliant. He combined, with the professional knowledge of a soldier, that degree of political judgment which made him equally serviceable to his country in the civil and the military capacity. To speak of him as a soldier, a high degree of praise was due to him. No degree of prosperity or good fortune was able to strip him of the virtues of generosity, moderation, and forbearance, for which he was so eminently distinguished; nor did any reverse of fortune which he encountered, lower his professional reputation, or deprive him of the respect even of his enemies. In his political life, he had rendered the most important services to his country, and had preserved the same exalted character. He first carried with him to the government of India, those two grand principles to which the good government and prosperity of those countries must be principally attributed. The first was, giving the natives a fixed and certain property in the lands they cultivated, and the second was the introduction of a stable administration of justice. To him was principally committed the management of the union in Ireland; and although this was a subject whereon he knew some would differ from him in opinion, he must be allowed to say, that he considered it as one of the most essential services to the state, and which posterity would do justice to. He could not avoid reminding the house, that he also had concluded the peace of Amiens; a peace which, although at the present day many might object to, was approved by parliament, and had the cordial concurrence of himself, and those with whom he had the honour at that time to act. Their successors in office would feel, that it was this peace which gave them the means of carrying with them the public spirit, and raising the public force, to meet the difficulties in which this country was now placed. After the brilliant successes which had been obtained in India, under the administration of the marquis of Wellesley, it was thought that it would be useful to the country to employ the talents of the marquis Cornwallis, in consolidating those possessions which the British arms had gained. Although at the close of life, his lordship, with a self-devotion which cannot be too highly praised, resolved to embark for

whatever place in which he could be most serviceable to his country. His health had been in a declining state even before he left Great Britain, and he soon fell a victim to the climate of India. It was worthy of notice, that, within a very short space of time, the country had been, by the hand of Providence, deprived of three of its most distinguished characters. He thought it would be no contempt to the living to say, that three greater characters, than those who had so lately fallen, could not be found throughout the empire. Connected as he was, by the sincerest friendship, with the marquis Cornwallis while he lived, and knowing better than most gentlemen in that house the great services he had rendered the country, no man was more bound than he was to call for every honour to his memory, now that he was no more. His lordship concluded by moving, "that an humble address be presented to his majesty, praying that he would be graciously pleased to direct that a public monument should be erected in the cathedral church of St. Paul, to the memory of Charles marquis Cornwallis, late governor-general of Bengal, in memory of his high and unblemished character, his long and eminent services, and his unwearied zeal and devotion, to the last moments of his life, in the cause of his country."

Mr. Charles Grant, in rising to second the motion made by the noble lord, conceived himself peculiarly qualified to speak to the merits of the noble marquis so far as they respected India. From his personal knowledge of that country, and from his residence there during the administration of that lamented nobleman, he was able to bear testimony to the happy effects of the regulations he had introduced into the government of that country. The regulations he had introduced respecting property were of the highest importance, and the good effects they had produced would amply justify any encomium that might be passed on that subject. It had before been a question whether property should be hereditary. The wise policy, however, that guided the conduct of lord Cornwallis, in that, as in every other instance, had been rendered abundantly obvious, by the effects it had produced on the prospects of the country.—After a variety of observations, which were delivered in a low tone of voice, the hon. member declared the impossibility of doing justice to the memory of that great man, whether

in respect to the integrity, the ability, or ardour, he had uniformly displayed in the service of the public.

Mr. *Francis*.—The motion, sir, which has just been made by the noble lord, and supported with great propriety by the hon. director of the India company, wants no seconding of mine to recommend it. I believe it is as much in unison with the judgement and feelings of every man in this house and in the nation, as it is with mine. I have many motives for wishing to take some part in it. One of them has arisen accidentally from a passage in the noble lord's speech, repeated and enforced by the hon. director. I find now, though it had not occurred to me before, that I am personally indebted to the memory of the noble lord whom we have lost. It is said, and, I doubt not, very truly, that lord Cornwallis, proceeding on a principle of benevolence, which in my mind is the essence of wisdom, and the foundation of national prosperity, made it his first care to protect the people, whom fortune or Providence has placed under our dominion. Let our right be what it may, I am sure there is no other way to make the possession either profitable or secure. On this principle lord Cornwallis gave to the natives of Bengal a security in their landed property; I appeal to the noble lord, and more particularly to the hon. director, whether this is not the very plan which I proposed in 1776, and which lord Cornwallis has done me the honour to adopt and execute? I am bound to be grateful to his memory for the honour he has done me. In stating other reasons for my concurrence in this motion, I shall confine my view to the Indian theatre, as the hon. director has done. I know it best, and that, on this ground, lord Cornwallis's merits are not only eminent but indisputable. Sir, an occupation of thirty years at home and abroad in the service of India, has given me a claim to an interest in any question that concerns it. He who has served that country, as lord Cornwallis has done, is entitled, on that score, to all the return that I can make him. To do him honour is not in my power. But it is honourable to myself to contribute, if I can, to the only reward that can now be given him. But I am specially bound to it by another tie. Every gentleman in this house cannot know as well as I do, what his merit was in undertaking to go to India at so advanced a period of his life.

He could not be insensible of the probability there was that he might never turn to England. I thought it a certainty. He saw his danger, and he encountered without hesitation for the public good. It was a danger too, which, though far beyond that of a battle, had no prospect of military fame to recommend it.—And argument arises out of this consideration. The merits and the honour of lord Cornwallis are not within the reach of duration; but his fortune has not been equal to his deserts. It has not been his lot to die where his gallant mind would have led him, in the front of a glorious combat with the enemies of his country, at the head of a successful army, and in the midst of victory. Is it possible to doubt that who risked his life for a most meritorious purpose, but without the hope of reward, would not gladly have resigned it, on the same principle, in any other field, in which honour might have been obtained? His good fortune was denied him. It is his duty then to repair and fill up what wanting in the measure due to his earned character. Let the gratitude of his country accompany his name in descent to the latest posterity. The measure proposed is all we can do, and I am proud of having some share in it.

Mr. *Windham* said, that with all his respect for lord Cornwallis, notwithstanding his regret for his loss, and his firm persuasion of the many virtues that he possessed, he still very much doubted whether he was entitled to such honours as had been proposed. The same objection occurred to him that he had stated on a former occasion. He thought, that those honours should principally be given on account of splendid talents employed successfully, for his concluding the peace of Amiens could not be expected, that he should have done that added much to his claim. Although his services had not been altogether so brilliant as those of some men, yet, he considered the purity of his mind, the great virtues which he possessed, should not in this particular case outweigh the motion.

Mr. *Wilberforce* expressed himself extremely happy, on many grounds, that the motion had been brought forward, and that it gave him an opportunity of expressing sentiments of gratitude he felt for the eminent services of the noble marquis. He felt great pleasure in hearing the noble lord, and the hon. director, as well

hon. member opposite to him (Mr. Francis), who were all so well acquainted with India, pay such unequivocal tributes of praise, and bear such ample testimony to his great deserts; but he was desirous, that they also, who were not so well acquainted with India, should have an opportunity of expressing their opinions and their feelings in favour of one, whose whole life had been devoted to the service of his country. If we looked back to the history of any country, in ancient or modern times, what was the situation of the distant colonies they possessed? Too often we shall find the unfortunate people groaning, and miserable under the weight of a system of tyranny, oppression, and rapacity, exercised without mercy and without bounds, by their governors; for the purpose, in the first place, of enriching themselves; and, in the next, of providing as much more as would purchase them security from all enquiry at home. But how very different from those, was the conduct of this great and good man, who had caused British laws and regulations for the security of persons and property, to be transplanted into the bosom of India, and fostered and extended to its most distant parts; who had, while there, been the idol of millions, and who left it with the blessing of all who knew his name. In his civil, military, and diplomatic capacity, he had, on every occasion, evinced the most ardent zeal and anxiety, to do service to his country; and in this last great act, he had only failed, from an unfortunate diminution and decay of bodily strength. In all his former transactions, he had been crowned with success; and if life had been allowed him now, he had no doubt, but his great exertions, and the high estimation his character was so deservedly held in by all ranks and degrees of the people of India, that he would have achieved for his country brighter successes and more extensive advantages, than those it had already to boast of. Every action of the noble marquis seemed to have been so connected with the happiness of the people, that it had produced the happiest effect; and he hoped we might, through his example, convince the millions there, who are subject to our sway, that we are able, and willing also, to rule with justice, and make those we govern happy. He thanked the noble lord, therefore, for having brought forward this motion, which he said, his warmest approbation,

Mr. O'Hara said, that if the noble lord had confined his motion to the conduct of the noble marquis in India alone, either on his first or second visit, or to both, he certainly should not have had the smallest objection to giving his vote for any honours to his memory; but, when he brought forward other subjects, and blended them together, as he had now done, he could not but suppose that he must awaken in him, and many more hon. members, who had the same cause to feel as he did, the most melancholy and painful sensations. The noble lord had alluded to the peace of Amiens. For his own part, he could see no great merit in that transaction, nor any benefit accruing from it to the country, nor had he ever heard others speak of it more favourably than as an act of necessity. But when he went further, and alluded to the Union of Ireland with this country, he could by no means give a vote for funeral honours to the memory of a man, who had had so principal a share in that transaction, which he looked on as mischievous and fatal to the interests of Ireland. He felt this the more poignantly and deeply, when he recollected that the people of that country had, not long before, obtained a constitution, which was the wish and pride of their hearts; which promised to make them a prosperous, an independent, and a happy people; and which had, in fact, during the short time they had enjoyed it, done more than was expected. They had, since the union, experienced a very different system indeed; a system the very reverse of what he had just mentioned, and which must, ere long, if that disastrous measure should not be rescinded by this country, prove, from its extreme expensiveness, altogether ruinous to Ireland. When he recollected also the shameful and barefaced corruption, which was openly carried on, for the purpose of carrying that fatal measure, and which reflected the greatest disgrace on the justice of this country, and called to mind the high part the marquis Cornwallis filled in the scene of that transaction, he must oppose the motion, and thought no one could fairly blame him for objecting to it.

Mr. Huddleston observed, that marquis Cornwallis was one of the greatest characters, as appeared to him, that ever went from this country to India; indeed his name was well known, and greatly admired in every part of the world. He carried with him to India that for which his name will never be forgotten, a love

and a due administration of perfect justice, including moderation. With absolute power, he was rigid in the dispensation of justice, but never lost sight of humanity. He gave an instance of the rigid justice and integrity of the noble marquis towards Tippoo Sultan, who had sent a large sum of money which he thought would detach us from those with whom we were united, and the money was sent back to him in a manner worthy the dignity of the British empire, because it should not be said that we deserted our allies. In a word, lord Cornwallis had laid down a system in India which, as it was the interest of this country, so he hoped it would be the practice of its representatives there, to follow. He had, for these and other reasons, the greatest of all satisfactions in assenting to the motion now before the house.

Mr. *Princep* said, he should have contented himself with giving a silent vote on this motion, had it not been for the observations which had fallen from some members who had taken part in this debate, who had doubted the propriety of the measure now proposed; these observations called upon him as a public man to give his opinion, as well as his vote upon the question; he considered the marquis Cornwallis as great a man as any this country ever possessed. He admired the manner in which he had acted as a public character, and particularly the mode he had succeeded in introducing in India, for regulating the security of property. He had much opportunity of experiencing the effect of the conduct of the noble marquis, and he could not now help expressing these sentiments as a tribute to his memory.

Mr. *For* said, he heartily concurred in the motion now before the house; but it was necessary for him to express the ground on which he did it, because he should have given his vote on a former occasion in like manner, had it been proposed at the time the vote was agreed to on the memory of Mr. Pitt. This was a testimony to the general merit of the noble marquis, and not on any particular part of his political life, however proper that might be; and he would observe also, that he agreed to this motion with the more satisfaction, because the words "excellent statesman," were not in it. On that ground, he begged his vote to be considered to be given, and that even, notwithstanding what had been said by an hon. gent. behind him on the subject of the act of union; for in

considering that act, with all the circumstances attending it, he thought it to be of the most disgraceful that ever happened to that country. The motion was put, and carried.

[*PAYMENT OF MR. PITT'S DEBTS*]
Mr. *Cartwright* stated, that in the motion he had to submit to the house, he should follow the example that was set on occasion of a former motion, and at once abstain from any topic that might be likely to produce a difference of opinion and to insure this the more effectually would, as had been done before, adhere to the precedent found upon the journal the instance of the late earl of Chatham. He thought, however, that he did not swerve from his purpose, in avowing, he considered the death of Mr. Pitt a national loss; and this opinion was certainly supported by the general sense of the people of this kingdom. In making his motion, therefore, he only submitted to the house, what he thought a testimony to the general estimation in which that altered character was held. He was free to confess, that if he could bring himself to think, that the vote he undertook to propose, would, in the smallest degree, detract from the fame of that great man, he should never have offered it to their consideration; but seeing, as he did, that a similar vote did not, by any means, diminish the character of lord Chatham, or that dying in debt had, in the least, sunk his estimation, he did not conceive, how the same circumstances could have a different effect upon the memory of his son. When the house called to mind, that, for many years of Mr. Pitt's life, his attention was wholly occupied in the discharge of his duties, having no other subsistence for support of his station, but the salary of his offices; and that, with the exception of the Cinque Ports, he rejected all emoluments which might have been frequently within his reach, they must be impressed with a thorough conviction, his poverty was the best proof that could be given of his virtue. In the investigation of his conduct, which took place in committee last year, the gentlemen who composed it, as well as the whole house of commons, acquitted him of all blame acknowledged, that he came from the inquiry with unsullied hands. This vote, said, was not meant to operate as a new precedent for discharging the debt of ministers, nor was it brought forward

common purpose. It was generally, not universally admitted, that Mr. Pitt was the main instrument of saving the country from that anarchy with which it was at one time threatened. Further, this great man had done more for the promotion of public credit, and the improvement of the finances, than any other minister recorded in our history. Notwithstanding the difficulties we had to encounter, notwithstanding the calamities that had befallen Europe, he had raised the country to a pitch of prosperity, of which the world did not afford an example. He, therefore, he called upon the house to pass the vote he meant to propose, it could be felt, that he made the claim for a man entitled to this mark of the gratitude of the country; and notwithstanding adverse opinions that some political friends might entertain, he was sure he asked for a man possessing in the fullest sense, the esteem and approbation of his country, which would not fail to sanction the vote with its most hearty acclamation and concurrence. With respect to the sum which would be necessary, it was found on the fullest investigation, that 40,000*l.* would be sufficient to cover the whole of the debts. When that sum was compared with what the nation paid for the late lord Chatham, and when the difference of the prices, and the increased value of all articles of consumption were considered, it could be found, that the country was not now called upon to do more, than it did then. He should therefore move, "that a humble Address be presented to his Majesty, to represent to his Majesty, that the house, having received information of the death of the late right hon. William Pitt, he left debts to a considerable amount, for the payment of which his property has been found insufficient, and being desirous to shew every testimony of respect and esteem and respect for the memory of the said right hon. William Pitt, most humbly beseech his Majesty to advance a sum, not exceeding 40,000*l.* towards the payment of the said debts, and to assure his Majesty that this house will make good the same." Mr. *Boyle* rose to second the motion. He seized this as the last opportunity the house would have, of shewing its respect to the illustrious character, which was so richly entitled to the gratitude and veneration of the country; and he was sure the house would go with him in paying a just testimony to worth so great, talents so

transcendent, and services so extraordinary. The debts which were to be discharged, were contracted while the great man who was no more, was in the public service, and wholly devoted to his official duties; it was therefore the duty of the country to discharge them. The country was the more called upon, as the illustrious person, as soon as he retired from office, adopted a system of retrenchment for the purpose of enabling him to reduce them by the produce of his economy. For this purpose he sold one of his country places, and this system of economy he continued after he returned to office. The hon. gent. said, he would not be the advocate of extravagance. He challenged any man to say, on looking over the list of these debts, that any one of the items could be considered as extravagant. He trusted that as no one ground on which the motion was founded could be denied, and as these grounds were amply sufficient to warrant the motion, the vote would be unanimous. And he was the more warranted in this hope, as there was no point of political dissension comprehended in the motion. One or two arguments might perhaps be urged against the motion. Some might think it would have been better to have paid these debts by means of a subscription; others might be fearful that this example would afford a precedent for less warrantable claims upon the public. With respect to the first of these objections, the only question was, whether the debts should be discharged by the nation collectively, or by the individuals of whom the nation was composed, and it would be unjust to deprive the nation of the preference. With respect to the second objection, this was but the second instance of such an application; and he trusted this vote would meet the same unanimous concurrence as that passed on account of the late lord Chatham. It was right that parliament should be jealous in cases like this, but that jealousy should not stand in the way of the just claims of distinguished merit. The debt was, in his opinion, the debt of the country, and the example of paying it would not be near so mischievous as the example of refusing to pay it. The example would not hold good except in cases of similar merit. The greater number of such cases we should have, the better it would be for the country; and on this ground, he trusted that this instance would not be singular. He trusted that no ground or

difference of opinion would be found, and that therefore the vote would be unanimous.

Mr. *Windham* felt satisfaction in thinking, that it was as easy to concur in this vote, as it was difficult for him to agree to that which was proposed a few nights since. Every thing that related to great talents, long services, and those abilities that were ornaments to the country, demanded and received his approbation. The present motion had his assent, as it fell within the distinction he had already drawn respecting public honours and munificence. It called for no vote of approbation in favour of an individual for the whole of a long and varied course of public measures and public conduct, in contradiction to the opinions held or expressed by any gentleman, on various occasions, in the course of that public career. No man had a right to call on another for any approbation of that nature, and he felt that every man so attempted to be called upon, had an undoubted right to complain. In viewing the character of the deceased, no one could ascribe to him any low attachment to pecuniary gain; his mind was above such considerations; his conceptions had too much grandeur to admit of any thing of that kind. He did not think that any dangerous precedent was set by this measure. If these debts had been contracted by profusion and excess, by dissipation and vain luxuries, they might admit of a question. On the contrary, they were contracted by no lavish expenditure, no useless ostentation. The great character of Mr. Pitt's mind was too sterling to descend to those means of prodigality; and he even neglected what, in these times, was due to the situation he filled. He had an entire superiority to any thing of the nature of affectation. His salary was not enough to provide the indulgencies fit for his station, and the consequence was seen in the incurring of these debts. Insufficiency of salary, want of pecuniary attention, and the necessary impositions to which he was exposed, must have combined to embarrass his affairs. He therefore considered, that, in the part the house were now called upon to act, they were not indulging themselves in an improper sentiment of liberality, nor catching at any transient reputation of magnanimity, nor wasting the public money; nor should he think that the case, even were they to make some provision for those who were most near and dear to the deceased.

Mr. *G. Ponsonby*, on a former motion respecting the late chancellor of the exchequer, felt much reluctance in opposing the vote. He felt as much satisfaction supporting this motion. This was paying the debt of Mr. Pitt, it was paying the debt of the public. For twenty years Mr. Pitt had been first minister of the country, and that house had supported him in the ministry; but for the same 20 years it had allowed him too little for his maintenance; and when he was told, that there were 40,000*l.* to be discharged, he was astonished the amount was so little. He differed much from the deceased in politics, it was always without rancour. He was always just to his great qualities: he was particularly so, and at the same time indulgent to his weaknesses.

Lord *Fulkestone* said: Mr. speaker, I do not very well know on what ground the hon. mover rests his claim to our assent to the motion now before the house. In one part of his speech, he seemed to me to rest upon the ground of *public merits*. Now, sir, if he does so, on that ground I cannot assent to it, because the public merits I do not acknowledge; as I am glad to take this opportunity of stating explicitly, that I have no share in the medals lately given to gentlemen on this side of the house. The other day, an hon. member of Yorkshire gave great commendation to the candour in acknowledging, as we did, the public services, the great talents, and the disinterestedness of Mr. Pitt. To that commendation I have no share. The public services of Mr. Pitt I deny. His great talents I do not admit. His public disinterestedness I do not admit. His private disinterestedness I certainly admit. The necessity which has been made for the motion now in your hand, proves it: but we did not want that proof. We all know that Mr. Pitt held but a small place of emolument, except those which were accompanied with great public honour; and we all know that for many years of his administration he had but that small salary, and, I dare say, every gentleman reflects the manner in which that was bestowed upon him, equally honourable to the giver as to the receiver, and forming a remarkable and glaring contrast with the manner in which it has been lately bestowed. These grounds, therefore, of private and public merit, and not at all on the ground of public service, do I agree to the motion of the honourable gentleman.

Admiral *Hervey*, if he had been present

Mr. William Smith did think that he was doing, consistently with the opinion he expressed on the former night, not to an unlimited concurrence to the pre-motion. It was impossible for him, acting as he did, and had always done, of conduct of the right hon. gent. to vote in an unqualified manner in support of the motion. As to the disinterestedness of the right hon. gent. he entirely agreed in point with the other members who had seen. How far the country, however, called on to make up any deficiency in the right hon. gent.'s fortune, must depend on the services he had rendered the country. If the salary was not adequate, additional burthen must be imposed on the people. This he was averse to do in the like the present, let who would be the office. Here, however, every thing must be grounded on the opinion of the facts performed, and the gentleman who brought forward the motion, even declared as the express reason of it. If so, could they call on him, who did not think that the right hon. gent. had done service to the state, to concur in the measure, so diametrically opposite to his opinion? He was aware that there must be other reasons for pressing the proposed motion, besides the ostensible

While they seemed, from motives of friendship, to desire that every mark of respect should be paid to the memory of the departed head, was it not apparent that those very gentlemen were indirectly acting in the hon. member and the house to compliment themselves? He declared that he should never be induced, either directly or by a side wind, so to libel himself and persons who had acted with him, as to give an unqualified vote which might seem to warrant this interference. He wished to speak with respect of the deceased, but when he heard him spoken of as having been the saviour of the country from a—[hear! hear! from Mr. Pitt's

nothing more than a cry raised to bring in—to disrepute persons for whom he had the highest regard, long since so perfectly justified, that it was unnecessary for him to say one word in their vindication. The clamour was increased to lay grounds for inroads upon the constitution beyond what it had at any other time suffered. These were acts which he could not acknowledge as merits; and if unanimity were wished for in passing the motion, it would have been wise to abstain from touching on such topics. He thought it a degradation to Mr. Pitt's high talents and great mind, to claim credit for him for exemption from acts, that would have debased and degraded him to the level of the lowest and most depraved. Was it to be held out as virtue in him, that he did not condescend to become a speculator? that he did not enrich himself by becoming a plunderer of the public purse? He believed the right hon. gent. was infinitely above such conduct, and, if he agreed in the vote, it was not for the reasons which had been urged by his friends. He should have thought that he rather degraded the right hon. gent. in taking merit to him from such circumstances. He should have thought the friends of the right hon. gent. would have consulted his honour more in entering into a subscription among themselves to make up the deficiency of his fortune. If their exertions had not been sufficient for the purpose, he declared that he would with pleasure have contributed whatever might have been required from him. If he thought the country at large would agree in thinking this a proper mode of disposing of the public money, he, too, would have agreed in the present vote; as he did not believe that would be the public opinion, he did not think himself entitled to support the motion.

Mr. Rose disclaimed all idea of ascribing any merit to the late minister for his not descending to the practices of speculation;

and the great merit he attributed to his lamented friend was, that he, aided by the worth and private virtue of his sovereign, was an instrument in the hand of Providence, to save his country from that anarchy with which it was threatened and surrounded. He felt himself bold to say, that his abstaining from deriving any pecuniary emoluments from the ministerial advantages he possessed, was not his only merit. At the time when some political circumstances induced that great man to retire from office, a great sensation was felt in the city of London, on account of his pecuniary embarrassments; and, at a meeting privately held for that purpose, some gentlemen had come to a resolution to raise, in the space of forty-eight hours, the sum of 100,000*l.* for his relief. An hon. baronet, who was, probably, then in the house, communicated this resolution to him (Mr. Rose), as a proper person to propose it to his deceased friend, in the manner most likely to reconcile him to it. He did so; and he solemnly declared, in the presence of God, that the answer he received from Mr. Pitt, was:—"no consideration upon earth shall ever induce me to accept it." This was done, too, at a time when his right hon. friend was in circumstances particularly painful. The hon. gent. said it was a fact not generally known, but known to himself and a few friends, that Mr. Pitt had taken a determination to return to the practice of his original profession, and to endeavour, by the industrious application of his talents, to raise a fund to discharge the incumbrances that pressed on him. Another offer of a similar nature was made in 1801, to which he also refused to accede. This surely was disinterestedness of the highest order, for the offer was made on grounds the most honourable to him, and to his great and distinguished public services. He thought it but a justice due from the country that it should pay debts evidently contracted in consequence of the engagements of the man in the business of the country, and from what appeared on the face of them, the result of the official situation his right hon. friend held. He owned that at a meeting of the creditors of his right hon. friend, he had recommended that the money should be raised by a subscription among his friends, rather than that an application should be made to parliament. He believed the money might have been raised by such a subscription. But it was

thought that justice to the memory of his right hon. friend, and to the liberality of the house, and of the country, indispensably required the present mode of proceeding.

Mr. Manning said, he was very well convinced it would be much more difficult to repress, than set in motion the discharge of the late minister's debts amongst his private friends, who entertained but one opinion as to the value of his public services, and considered him the instrument of Providence in effecting the salvation of his country; but he was, at the same time satisfied, that the mode now proposed would be the most acceptable to a great majority of the people of this kingdom. He bore his testimony to the statement made by Mr. Rose, that in 1801, Mr. Pitt resisted the proposition then made for the payment of his debts. He said, that during the 13 years he sat in that house he seldom troubled them at all; and never in his life proposed any expenditure of public money. On the contrary, in a year of great difficulty, he was the first to suggest the plan, which was adopted by the then minister (Mr. Pitt) for raising a sum of money, by voluntary contribution, which, in the result, amounted to 2,000,000 sterling. After this instance, he did not expect to be considered as a squanderer of the public money, if he supported this motion; though he knew, that if this motion had not been given, the sum now demanded would have been raised with great expense and convenience, by the friends of the late minister.

Mr. Cumming said, that though he never spoke in that house before, he could now help saying, that he cordially supported the present motion, on the ground of Mr. Pitt having been a great minister, and excellent statesman.

Mr. Ellison supported the motion with much earnestness. Mr. Pitt he considered as a character without spot or blemish. There was nothing about him on which malignity could fix. The country and the house had already acknowledged his great and pre-eminent services. Had he pursued any other profession, he might have realized an immense fortune; but he devoted himself to his country.

The Marquis of Douglas complained the arguments used for the motion, as considered it solely with a view to acquit handsomely towards a servant of the public. He acquiesced in it as an act of public generosity of a great nation to

departed servant; but not on the ground of his being a man without spot or blemish; not on the principle of approbation, but on that of generosity.

Mr. Fox rose and said:—I certainly did mean to give a silent vote upon this occasion, because I did conceive that if a general unanimity had prevailed, I should have best expressed my opinion, by simply observing, that such a motion had passed *semine contradicente*. But, sir, that not being the case, I beg leave to declare to you and the house, that I never gave a vote with more satisfaction in my life than I shall do this night, in support of the motion. I conceive it to be a tribute due to departed worth—the reward of a great and munificent nation to a meritorious servant of the public. I will own, however, that the manner in which the motion was introduced was not calculated, if I had been otherwise disposed than I am, to induce me to give it my assent. I consider this question as perfectly distinct from the vote of Monday last, but I must say a few words with respect to an expression adopted by an hon. gent. on the other side of the house, who, speaking of Mr. Pitt, called him the “saviour of the country.” Now, upon that subject, I beg leave to say, that I maintain all my former opinions quite unaltered, as they have constantly been from the moment the country was in the situation in which it appeared in the years 1803 and 1804. I certainly thought it expedient, and for the advantage of the country, that the political debates and animosities of those and former times should, as far as related to persons, be buried in oblivion. I thought it would not be proper for me at that period to take a great and principal share in the administration of the country. I did not conceive it would be behaving in the manner which I have ever felt to be the rule of propriety. I thought, and am convinced, that Mr. Pitt had the same sensations as myself. He certainly did give the most ample testimony of his wish to bury all animosities. From that time, though various warm debates have occurred, I have cautiously abstained from referring to those topics that might excite former differences. I felt that he had given unequivocal testimony of his intention. I confirmed, and we have mutually persevered in our determination. I think, therefore, that the house will do me the justice to say, that if I would not while he lived touch on

such subjects, much less would I do so now he is dead. As far as relates to me, neither now nor ever will I touch upon them. But if those who were no parties to our mutual determination think otherwise, and that such topics ought to be discussed, I beg leave to state, that I am not averse from personal motives to enter into them. I conceive it unnecessary to do so for reasons which I think right; I shall religiously abstain from any mention of them. The right hon. gent. himself, when living, did so generally and systematically. I did feel a wish that he should form part of the administration of the country, which I thought it not right at that moment to have any share in; I therefore deemed it improper to refer to his former conduct. If there had been any words in the present motion expressive of any approbation of his measures, it would be impossible that it could be adopted with unanimity; but I give my support to it because it is not liable to any such objection. To speak of Mr. Pitt, that he did not descend to any improper measures with regard to money, would be to dishonour his memory; but we are to consider other matters in which his conduct was equally unblameable. Mr. Pitt was minister for 20 years, and to the best of my knowledge, except the wardenship of the Cinque Ports, I do not know of any one office connected with him of a personal nature. He had not only the merit of a general disinterestedness, but possessed in every particular that distinguished feature. It is indeed a kind of testimony which, since the accession of the house of Brunswick, I may pay with equal truth to almost every prime minister. I think Mr. Pitt is entitled to that praise, and I think we should bestow it in a manner, that if he could know what was now going on, would not give him pain. The motion has my cordial support.

Mr. Canning said, he had hoped he should not have been called upon to say any thing in support of the motion. He hoped that in the little he should say, he should not deviate from the candour and moderation so laudably professed on the other side, but used at the same time as a veil to throw over one or two propositions in which he did not agree. Some of the gentlemen on the other side were willing to allow parliament to discharge the debts of his late right hon. friend, as a matter of generosity towards an old public servant. He wished it to be known, how-

ever, that the friends of that illustrious person would not be satisfied to receive the vote as an eleemosynary grant to posthumous necessities; not as the boon of pity or compassion, but as a public debt to a highly meritorious public servant. He was not from the beginning so sanguine as to expect an unanimous vote; he would not purchase unanimity by conceding a tittle of the high and splendid services of his illustrious friend. Referring to the preceding night, he appealed to the house, whether it was not on the other side that the topics of dissension were started? Objections were made on that occasion to the form of the motion. The fault he found with it was, that it was cold and inadequate to the feelings of those who supported it. When the friends of the great man who was the subject of these motions, consented to neutralize the expression of their feelings for the purpose of removing the grounds of opposition to the motion; when they resolved, instead of dipping the pen into the heart, to look into the cold forms of the statute book for a precedent; when they had lowered and diluted every glowing feeling; when they had restrained and chastised their feelings, in order to constitute unanimity, the result had added to the many proofs he had met with in the course of his political life, that nothing was to be gained by compromise. The nice canvassing of particular points began on the other side, and in a quarter, too, which took a great share in all those transactions which were now the subject of criticism and condemnation.—

Mr. C. Wynne called the right hon. gent. to order; it being irregular to revert to former debates.

Mr. Canning said he had no desire to go back farther than to shew, that the agitation of the objects of dissention originated on the other side. It was expected by those who brought forward this motion in such general terms, that it would have been very generally supported. However widely political differences might have ranged, it was hoped that now all those differences would be buried in the grave, and that all political animosities would cease; That it would be said—

“All thy good
Now blazes, all thy guilt is in the grave.”

that brilliant luminary, whether its dawn was clouded or its meridian splendour obscured, had held a course glorious for the country, and worthy to call forth its ad-

miration and gratitude.—He protested against the mode in which the hon. gentlemen gave their support to the motion and wished to restore them the benefit of that consistency, which they laboured so much to reconcile with the support they gave. He gave credit to the hon. gent. who refused his consent, because he did not see the merit. He confessed he did not see the ground on which the hon. gentlemen opposite to him followed a distinct course. If it was given as an eleemosynary grant, without any distinction of merit or demerit, he disdained it. He could not help complaining, that the hon. gent. opposite, while professing to avoid all points of political dissension, had cast a general stigma on the whole system of the present reign, during one half of which his right hon. friend had been at the head of affairs. This was not in the recollection of the hon. gent. when he took credit to himself this night, for not being one of those who introduced such topics. He begged gentlemen again to consider of what ground they agreed to the motion. Those who did not vote for it on the ground of Mr. Pitt's merits, had better oppose it openly. It was only as a tribute to great merits that he would receive it and if any one supported it on any other ground than as a testimony and a reward of these merits, he wished him to withdraw his support, and preserve his consistency by opposing it.

Mr. Fox in explanation observed, that there was a considerable difference between commenting upon particular instances of a minister's conduct, and inadvertently upon the general system of administration that had been pursued, not only during the late right hon. gent.'s official career, but during the whole of the reign. With respect to what the right hon. gent. had said, as to the ground upon which he wished the present motion to be supported, he had only to add, that he had distinctly stated the grounds of his own vote in favour of it to be, Mr. Pitt's merits. The motion on the former night had stood on a different footing, and been amply discussed on that occasion. The present question, was totally distinct from that, and ought to be decided upon its own grounds.

Mr. Huddleston said a few words in support of the motion.—The question was then put, and carried, *æm. con.*

[AUDITORSHIP OF THE EXCHEQUER]

Mr. For called the attention of the house to a subject on which there had been supposed to be some difficulties, the circumstances of which were somewhat peculiar. He understood there were several new appointments about to take place under his majesty's government, and that a noble lord (Grenville) was about to hold an office at the head of the treasury, who now held the office of auditor of the exchequer. Doubts had been entertained by some persons whether the office of auditor of the exchequer was compatible with that of an office of a lord of the Treasury, or that they could be both held by one person, that is, whether they could be legally held by one person. He was not aware of that illegality, nor did he very clearly see the foundation of that doubt. However, it was expedient to make the matter indisputable, and that would be best done by a bill for the purpose. These offices had both been held by one person on former occasions—by lord Hallifax, by the late Mr. Pelham, and others, but the better way would be to remove all doubts by an act of parliament; and, therefore he should move for leave to bring in a bill to remove certain doubts respecting the appointment of a proper person holding the office of auditor of the exchequer, and that of a lord of his majesty's treasury. If the house should grant him leave to bring in the bill, he should bring it up immediately. It might be read a first and second time to-night, and ordered to be committed to-morrow; and any member would then have an opportunity of delivering his sentiments, if there were any objections to it, of which he was not aware, for the case appeared to him to be a clear one.

The *Speaker* said the house would excuse him for calling their attention to this subject; but it was his duty, as he felt it, to state what he understood to be the recent practice of the house, which was, on every proposition for bringing forward any measure on which the house was to act, to give notice of its being intended to be brought forward. That being done, the measure, if in the opinion of the house public exigency required it, might go through all its stages, though a bill, in one day, as had often happened; so that the hon. gent. might be as forward by moving this matter to-morrow, after notice to-day, as if leave were given to bring in the bill now. This was the modern practice

of the house, of which it was his duty to remind it; whether it was to be adhered to, or abandoned, was with the house to determine.

Mr. For submitted to the chair, and admitted the correctness of this statement of the practice, which was, however, but a modern practice. It was no essential part of the proceeding of the house to give any notice of a regular parliamentary motion, although it was certainly convenient in practice; but he might perhaps venture to doubt whether the house ought to make so low a bow to a modern practice, as not in any instance to deviate from it, however urgent the case might be.

The *Speaker* said he did not presume to state that no member was at liberty to bring forward a measure without notice; but he thought it his duty to call the attention of the house to what had been, generally, the recent practice on such occasions.

The *Attorney General* said, that it had been the fashion of the house, for a considerable time, to conform to the practice referred to by the chair, and the question on this occasion was, whether that practice should be attended to, or whether it should be given up to gratify the wishes of the hon. gent. That hon. gent. professed to think, that no notice whatever was necessary; and he wished to have the bill alluded to, read a first and second time on the same day. If such a thing were to be admitted, and the practice were to go on, a bill might be actually passed through all its stages in one day, and if so, what guarantee could the house have against being taken by surprise upon the most important measures? As the bill proposed by the hon. gent. could not really be so very urgent in point of time, he saw no reason why it should be pressed forward so precipitately.—With respect to the measure itself, if he understood it right, it could not be intended so much to remove doubts as to establish a new principle of law, and therefore he thought the real object of it should not be disguised: though in the instances that had been quoted as precedents, it appeared that the individuals formally resigned, but substantially held the offices, yet it was evident that they thought they could not consistently with law hold them formally. These persons acted under an impression that they could not legally hold them. The legal principle was, that no person

could hold two offices, one of which was subordinate to the other, and immediately under its controul. If it was the object of the hon. gent. to remove this disability, and establish a new law on the subject, he begged of him to let the house know it, that they might be aware of what they were about. The office of auditor of the exchequer was subordinate to, and subject to the check of, the commissioners of the treasury. Of course the office of auditor of the exchequer and commissioner of the treasury could not, either in law or equity, be consistently held by the same person. Certainly such appeared to be the conception upon all former occasions; and therefore the hon. gent. could not justly talk of the existence of any doubts upon the subject. The bill he had in contemplation, therefore, could not be said to be a proposition to remove doubts, but to enact a new law.

Mr. Fox stated that, agreeably to the suggestions of the hon. gent., he should give notice of his motion for to-morrow.

Mr. Rose said he wished to speak upon the subject of the hon. gent.'s motion.

The *Speaker* observed that there was no question before the house.

Mr. Rose said that he was not contented. He rose to object to the hon. gent.'s withdrawing the motion—

The *Speaker* begged the right hon. gent. to recollect that no motion was made, as he had interrupted the hon. gent. in his progress towards making a motion.

HOUSE OF LORDS.

Tuesday, February 4.

[CONTINENTAL WAR.] On the order for summoning their lordships for this day being read,

Lord *Mulgrave* said, he had hoped when he gave his notice for this day, that the arrangements in contemplation would have been completed, so as to have ensured a full attendance of their lordships, it having been his intention to enter into an explanation, respecting several points connected with the papers which he had laid upon the table, at the same time that he presented to their lordships, by his majesty's command, several other documents upon the subject of the late continental war. He had brought down the papers to which he alluded, and he could not let this opportunity slip, of giving some explanation to their lordships, upon certain points

which they involved. Had it been upon any ordinary occasion that the treaties were presented to the house, it would have been sufficient to have left them to speak for themselves. Their lordships would, in perusing them, have found that the first object of his majesty's government had been, to form a well-arranged plan, which, in its execution, might afford every reasonable prospect of effecting the deliverance of Europe; the next object was, that those means might be provided, which might give effect to the negotiation, which was at that period expected to be carried on, or, in the event of the negotiation terminating in war, might enable the allies to pursue hostilities with proportionate energy and vigour. They would have seen by these treaties, that 500,000 men were to have been brought into the field, 320,000 by Austria, and 180,000 by Russia, a number certainly amply sufficient, according to every calculation, for the purposes of carrying in effect those objects which it was sought to attain. It had been a matter of calculation, what number of troops France could have brought to act upon a certain point in a given time, and what number Austrian and Russian troops would be that point by the time specified. He received official returns, by which it appeared, that 320,000 Austrians, and 180,000 Russians, were actually in the field, or their march. The Russian troops in fact marched according to their engagements and arrived at their destination, and were ready to take the field, two days earlier than the time specified for their reaching the point where they were to effect junction with their Austrian allies. The plan thus prepared, the arrangements made, were unfortunately deranged by the precipitancy of Austria. The detention of Austria from the plan agreed upon was not slight and trivial, but it was a complete and entire deviation, and to it must be attributed all the calamitous consequences that ensued. The object of the country was, either to promote a negotiation for a general peace, upon a permanent basis, consistent with the welfare and security of Europe, or to establish an armistice, with a view of putting an end to the usurpations and encroachments of France; and, if war was the result, to support that war by means which, according to all human calculation, were adequate to the effect the object proposed

had till the end of the year 1805, associate, as the subsidies from this were not payable, if she commensalities before the end of the year. nately, however, from her precipin sending forward her troops, the holy events of the campaign, and amitous day of Austerlitz, had re-

It was the occurrence of these mate events that had induced his s ministers to obtain his majesty's nds, to lay before parliament every ent that could in any degree elucie subject, or explain any of the connected with the treaties, which , on a former day, laid upon the

They had done this, in order that onduct might be placed in that point , in which they wished it to be con- , convinced as they were, that it be found free from the slightest on account of the recent unfortun- vents on the continent. He could p also again expressing his anxiety e character of that illustrious states- whose loss they now deplored, should ared from the imputations, which, count of those events, had been so y cast upon it. In attributing those to the precipitancy of the emperor stria, and his deviation from the arranged by the allies, he must, at the time, deprecate any imputations thrown upon that monarch on ac- of his signing an armistice, and sub- ntly a treaty of peace with France. s easy for those who were at a dis- from the scene of action, to con- the conduct of that monarch; but ould be recollected, that he did and ed much for the common cause; that ve up his capital to the enemy, and t in person against them. If after e was induced by the calamitous cir- stances that ensued to give way and eace with France, it should rather mented as an unfortunate circum- e than be made the subject of con- ation. As some noble lords had e into the house since he had risen, e he wished to hear his explanation, ould shortly recapitulate. He then ly repeated his former statements, ng, that the negotiations between a and France, it was known, must roken off in consequence of the annex- of Genoa to France, and that it was eted that when hostilities commenced, a would have acted upon the de- OL. VI,

fensive in Germany and offensively in Italy. He had observed on a former evening, that certain articles of the treaty with Russia were withheld, he repeated, that no other motive had induced his majesty's ministers to withhold them than a desire that no injury might result to certain continental powers from the publica- tion of the recitals contained in those ar- ticles. This was their only motive, as those who were about to succeed them would soon be enabled to judge, from an inspection of the documents themselves. He was anxious that the subject to which the papers on the table, and those he was about to present, referred, should be fully and amply discussed. In the result of that discussion he had the utmost confi- dence; and he would repeat what he had said on a former evening, with reference to that subject and the conduct of his col- leagues and himself, that there was no measure which he could now wish had been taken, that had been omitted, nor any measure adopted, which he would now wish to retract.—The noble lord conclu- ded by intimating his majesty's commands to present certain papers; which, on his lordship's motion, were ordered to lie on the table. They consisted of extracts and dispatches from lord G. L. Gower and sir Arthur Paget to lord Mulgrave, the de- claration of Austria, and some other papers, which will be found in the Appendix.

HOUSE OF COMMONS.

Tuesday, February 4.

[MINUTES.] Mr. Wilberforce pre- sented a petition from the insolvent deb- tors confined in the county gaol of York. Ordered to lie on the table.—Mr. John- son, from the chief secretary's office, in Ireland, presented the report of the com- missioners appointed to examine the ex- penditure of the paving board, of the city of Dublin. Ordered to lie on the table. —Mr. W. Dickenson presented the first report of the commissioners appointed by his majesty to revise and digest the civil affairs of the navy. Ordered to lie on the table, and to be printed.—Mr. Dickinson presented an estimate of the debt of his majesty's navy as it stood on the 31st of December 1805; and also, an estimate of the money that will be wanted for the transport service; for the establishments and hospitals relating to his majesty's sick and wounded seamen at home and

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abroad, and for the maintenance of prisoners of war in health and sickness at home and abroad, in the year 1806.

[**MALT DUTY BILL.**] The house having resolved itself into a committee on the bill for continuing the duties on land, malt, sugar, snuff, and tobacco;

Mr. *Harrison* wished to know, whether this bill contained a clause of appeal from the summary jurisdiction of magistrates, in matters of penalty, to the courts of quarter session? In the malting counties, he observed, the persons dealing in that article, were under severe hardships, in consequence of their barley being often sweated by drippings and oozings of snow and rain, and also by other accidents, which were frequently taken or pretended by the exciseman to be taken, for illegal wetting; and this belief, sworn before the magistrates, subjected them to the heavy penalty of 200*l.* for each offence. If a clause of appeal, therefore, had hitherto been omitted, under these circumstances, it was necessary that the defect should be supplied.

Mr. *S. Bourne* replied, that this bill was exactly in the same words as the bill of last year; but he was not aware, at present, of any objection to such a clause as that proposed; and he added, that, should it not, upon consideration, prove objectionable, a clause to that effect would be prepared by to-morrow.

Mr. *Patteson* supported the objections made by the hon. gent.; observing, that the maltster was completely under the lash of the exciseman, who had the penalty inflicted by the magistrate, if he only swore that he believed the malt to have been wetted.

Mr. *Fuller* observed, that in all justice there ought to be an appeal to the quarter sessions. The hardships sustained in the malt counties were intolerably severe; and people living at a great distance were often under the necessity of paying the penalty, sooner than be at the trouble and expence of coming up to London to seek for redress. He loudly complained of sending visitors to inspect the malt, who had an interest in inflicting penalties; and thought the excise board ought to employ proper officers for that purpose.

Mr. *Rose* said, that the officers of excise had no interest whatever in the penalty inflicted.

Mr. *Patteson* insisted, that they had a considerable interest in the amount of such penalties as 200*l.* He knew himself, he

said, of an instance, where an information against a person who employed 40 workmen, without ever going before the magistrates, was sent up to the exchequer, and the person sent to prison, upon the infliction of two penalties of 200*l.* each. He afterwards paid these fines, and immediately discharged his 40 servants, preferring to relinquish the business, sooner than liable to so much severity and injustice.

Mr. *Rose* asserted, that the dealers malt were not under the lash of the excisemen, but of the magistrates. There was no branch of the revenue in which there were so many frauds, and so difficult to detected.

The *Attorney-General* observed, that though some hardships might have been experienced by particular individuals, it was well known that the very circumstance now complained of was a most abundant source of frauds upon the revenue. The pretences of snow, rain, and other accidents, seldom turned out, upon examination, to be any other than fraud attempted on the revenue. He believed he recollected the case alluded to by the hon. gent., and, if he recollected right, the party was only subjected to one mitigated penalty; as it appeared that the fraud was attempted by a servant, without the apparent privity of the master. It was, however, rather singular, that the servant should wantonly, and of his own accord have ventured on a fraud, in which, as a servant, he could have had no interest. Upon the whole, it seldom failed to make out to the satisfaction of juries, what was called sweating, turned out to be an actual wetting of the malt; but, at the same time, he was ready to admit, that it might be right for the parties to have power of appeal.—The report was ordered to be received to-morrow.

[AUDITORSHIP OF THE EXCHEQUER]

Mr. *Fox*, pursuant to the notice which he had yesterday given, rose to submit a motion to the house, for leave to bring a bill to enable a person holding the office of auditor of the exchequer to hold the office of a commissioner of the treasury. The object of his bill was to regularise the holding of these two appointments, by enabling the auditor to appoint a deputy for discharging the duties of the office. He had before stated, that he entertained no doubt himself on the subject. Yet, as possibly other gentlemen might feel as he did, it was the wish of the

lord concerned, that nothing should be withheld from the house, but that all the circumstances connected with the transaction should be before the public. But as the idea was gone abroad, that the auditor of the exchequer was a check upon the lords of the treasury, he thought it right to advert to that circumstance. The fact was, that he was not a check upon them, and it was absurd to suppose, that any officer whose appointment was in the gift of the lords of the treasury could be any check upon them. He should hope, therefore, that no difficulty would be felt in complying with this measure. Nobody, he thought, would be of opinion that the office should be given up by the noble lord, and on that account he trusted that no objection would be felt to the bill. He had yesterday stated the case of lord Halifax in the reign of George I. In that case lord Halifax had given the auditorship nominally to his brother, whilst he virtually continued in the enjoyment of it himself. The noble lord might, in the present instance, act upon that precedent, but he was better pleased that the transaction should wholly rest on legislative grounds. He therefore begged leave "to move for leave to bring in a bill for removing certain doubts respecting the appointment of any person holding the office of auditor of the exchequer to the office of one of the commissioners of the treasury." With respect to the doubts, when they should come to the preamble of the bill, that expression might be struck out, if gentlemen should be of opinion that no doubts existed.

Mr. Rose declared, that no man in that house could be less disposed than himself to throw any impediments in the way of the noble lord's appointment to the office in question: on the contrary, it gave him the highest satisfaction, when he understood the appointment was to take place, because he was sure it would be a most efficient appointment: but with respect to the duties of that situation which the noble lord already held, and those of the situation to which he was recently appointed, no two offices on earth, in his opinion, could be more incompatible, nor could any thing be more incongruous with the spirit and meaning of the law which regulated the usages of the treasury, than that the auditor of exchequer, avowedly and obviously appointed for the purpose of check and controul over the lords of the treasury, and other officers connected there-

with, to prevent the improper issue of public money, should hold an office in which he was to be the check and controul upon himself. The statute of the 9th of William III. passed for the very purpose of recognising and establishing the ancient course of proceedings in the exchequer, enacts, that no money shall be issued from the exchequer, even by the order of a lord of the treasury, for any purpose whatever, unless such order be signed by the auditor of the exchequer, for without his signature such an order would be a mere nullity. This had been the practice in his own day, and he had witnessed instances where such controul had the most salutary effect, in preventing the improper issues of money. It had been the uniform practice of modern times, to separate the offices of lord of the treasury and auditor of the exchequer, and this was the first attempt he had ever witnessed to conjoin them. The case of lord Halifax, he, by no means, conceived to bear out the principle. Lord Halifax was first lord of the treasury, and chancellor of the exchequer, when the auditorship became vacant. He did not then take the office to himself, but gave it to his brother. When afterwards he resigned his former offices, he sat down with the auditorship of the exchequer. As to the privilege of appointing a deputy, to exercise the controul over the very person who appointed him, and who also might dismiss him at pleasure, he should be glad to know, how the check required by the statute of William in this case could be obtained, as it was not very probable, that a deputy, so appointed, would be very strict under such circumstances. With respect to the case of Mr. Pelham, he was appointed a lord of the treasury in 1743, and was not appointed to the auditorship of the exchequer till eight years afterwards, and then did not hold both offices together. The proposed bill, instead of removing any doubts upon the subject, for in fact none existed, nor could any thing be more clear and definite than the established regulations on this head, proposed to alter the whole course of the exchequer; and therefore it ought not to pass under any other title than as a bill to alter the course of the exchequer, and to enable the noble lord to hold two offices totally opposite and incompatible in their nature.

Mr. C. W. Wynne combated the arguments of the last speaker, from a compa-

tion of the different clauses of the act of parliament, and maintained that the auditor of the exchequer was not meant to be a check on the first lord of the treasury, but to see that the several sums granted were applied to the particular services for which they were voted. As to the idea, that the auditor of the exchequer could never be a proper check on the first lord of the treasury, if the first lord of the treasury were also to hold the office of auditor, and to be allowed, as proposed by the present bill, to discharge the duties of it by deputy, he declared that he could see no more ground for that supposition in the case of a deputy, than where, as in the precedents alluded to, the person to act as auditor was appointed by the first lord of the treasury. Whatever evils could be supposed to arise out of the mode now proposed, must, he presumed to think, have been far greater under the former practice. At all events, if there was any thing wrong in the two offices remaining really though not ostensibly in the same person, no man, he hoped, would dispute that it was better, and more honourable, that such arrangement should take place openly and fairly, and with the approbation of parliament. The constitution of the exchequer, too, he begged it to be observed, had undergone a considerable alteration since the time of its first establishment. The auditor at that time derived a principal part, if not the whole, of the emoluments of his office from a per centage on the issues from the exchequer, thereby giving him an interest in the amount of such issues. Now, he was remunerated by a salary.

The *Attorney-General* declared that nothing could be farther from his wish than to throw unnecessary impediments in the way of the present bill. Of all the proposed appointments of which he had heard, the one now alluded to, was that which gave him most pleasure; and if what he had to say on the subject should induce the noble lord to take another office, he should feel very serious concern from the circumstance. He wished that such steps should be taken in the matter as should forward it as far as the hon. mover could expect the business to proceed this night, and that gentlemen should take till to-morrow to consider what would be the most effectual mode of proceeding afterwards. He agreed entirely with the hon. gent. opposite, that it was far better to proceed openly, under the sanction of an act of

parliament, than in a clandestine manner and by an artificial transfer of the office. But he submitted, that, in place of a deputy to be named by the auditor himself, the preferable mode of proceeding would be that parliament should, *nominatim*, appoint a legal trustee to act for the noble lord, who, of course, would be responsible for the faithful discharge of his office.

Mr. Fox said, that, for his own part, he could see no objection, at this moment, to the arrangement proposed by the hon. gentleman. He was aware that it was not orderly in him to say that he wished to consult another person out of the house of commons, what passed in that house. He trusted, however, to be excused for expressing a desire to submit the suggestion of the gentleman to his noble friend before he entirely acquiesced in it. He at the same time submitted, as it would be completely competent to alter the bill in the committee, agreeably to the suggestion of the gentleman, if his idea should be proved of, that, to save time, the bill should be read a first and second time this night.

Mr. Rose declared, that his objection would be done away by the appointment of a trustee under responsibility.—The question was then put, and leave given to bring in the bill; Mr. Fox and Mr. Williams Wynne being ordered to prepare. Mr. Fox then brought it up, and it was read a first and second time, and ordered to be committed to-morrow.

HOUSE OF LORDS.

Wednesday, February 5.

[*Minutes.*] Lord Lowther presented a petition from the debtors confined in Carlisle gaol, which was ordered to lie on the table.—Mr. Fox, accompanied by several members of the house of commons, brought up a bill to enable the auditor of the exchequer to nominate a trustee to execute the duties of the office in the case then mentioned. The bill was read a first time and ordered to be read a second time to-morrow.—Lord Auckland made a motion respecting the standing order. His lordship's motion was, to take the standing orders, No. 104 and 155, into consideration to-morrow, with the view of suspending them, for the purpose of passing the above bill through its different stages, which was ordered, and that the lords summoned.

HOUSE OF COMMONS.
Wednesday, February 5.

[MINUTES.] Mr. Hase, from the governor and company of the Bank of England, presented an "account from the Bank of England, of the receipt and expenditure of 7,615,167*l.* 7*s.* 6*d.* in one year, from 3d Feb. 1805, to 31st Jan. 1806, by the commissioners for the reduction of the National Debt; and of the receipt of 1,906,104*l.* 17*s.* 1*d.* to be applied in the quarter between the 1st Feb. and the 1st May, 1806."—The secretary at war presented, pursuant to order, the several accounts moved for by Mr. Sheridan, respecting the additional force bill. The right hon. gent. observed, that those accounts were very voluminous, perhaps too much so for general reading, but among them was a recapitulation paper, which contained the substance of the whole. For the printing of this paper only, it was his intention at present to move. If it were not on perusal deemed satisfactory upon the subject referred to, it would be competent to any gentleman to move that the whole of these papers should be printed. The several papers were ordered to lie on the table, and the recapitulation paper was ordered to be printed.—Mr. Manning presented a petition of several directors of the London Dock Company, setting forth, "that several acts were passed, in the 40th, 44th, and 45th years of his present majesty, for making wet docks, basons, cuts, and other works, for the greater accommodation and security of shipping, commerce, and revenue, within the port of London; and that the petitioners have made great progress in forming the docks, and in executing the other works by the said acts directed to be made; but the whole of the said intended works cannot be completed unless the petitioners shall be authorized to purchase certain houses, lands, and hereditaments contiguous to the present prescribed limits of the said docks, and which are wanted for the purpose of carrying the said acts fully into execution; and that the powers and provisions of the said acts have, in some respects, been found defective and insufficient, and it is necessary that the same should be altered and enlarged, and some further powers granted; and therefore praying, that leave may be given to bring in a bill for the purposes aforesaid." Ordered to be referred to a committee.—Mr. Wilberforce brought in a

bill for enabling the justices in the West Riding of Yorkshire to erect court houses, &c.; which was read a first time.—Mr. Alexander brought up the report of the committee on the malt duty bill; the amendments were agreed to, and the bill was ordered to be read a third time to-morrow.—On the motion of sir C. Bunbury, a new writ was ordered to be issued for Suffolk, in the room of lord viscount Brome, now marquis Cornwallis.—Mr. Alexander brought up the report of the committee on the pension duty bill, which was agreed to, and the bill ordered to be read a third time to-morrow.—On the motion of Mr. Fellowes, the order made last session for a return of the resident and non-resident clergy was read, and the return was ordered to be made forthwith.—On the motion of Mr. Fox, new writs were ordered for the borough of St. Mawes, in the room of the right hon. W. Windham, who, since his election, had accepted the office of one of his majesty's principal secretaries of state; for the county of Northumberland, in the room of the right hon. C. Grey, who, since his election, had accepted the office of first commissioners for executing the office of lord high admiral of Great Britain; for Calne, in the room of lord Henry Petty, who, since his election, had accepted the offices of chancellor and under-treasurer of his majesty's exchequer.—Mr. Huskisson brought in the three bills, for which he yesterday obtained leave, granting annuities to lady Nelson, lord Collingwood, and sir R. Strachan. They were read a first time, and ordered to be read a second time to-morrow.—Mr. Fox gave notice, that to-morrow he would move to postpone to a future day the consideration of the petition, complaining of an undue election for the county of Middlesex.

[AUDITORSHIP OF THE EXCHEQUER.] The house resolved itself into a committee upon the bill respecting the auditorship, of the exchequer, Mr. Fox in the chair.

Mr. C. Wynne said, that in consequence of the suggestions of a right hon. gent. (the Attorney-General) on a former evening, he had to propose a clause, which he trusted would be perfectly satisfactory, and would serve to remove every objection that had been made to this bill. The nature of this clause, the hon. gent. described to be, that the auditor of the exchequer, upon accepting the office of one of the commissioners of the treasury, should appoint a trustee to hold the office of auditor, which

trustee should be responsible to the auditor for the salary, and to the public for the due execution of the office.—Upon the clause being read,

The *Attorney-General* declared that this clause entirely removed the objections which he had yesterday stated, as arising in his mind against the bill.—This clause, with another, enacting, that any person accepting the situation of trustee, should not vacate his seat in the house, was then agreed to; the house was resumed, and Mr. Fox having brought up the report, it was received and agreed to, and the bill having been read a third time, was passed, under the title of a bill, empowering the auditor of his majesty's court of exchequer to constitute a trustee in the case therein mentioned; and Mr. Fox was ordered to carry it to the lords, which he did, accompanied by a number of the members.

HOUSE OF LORDS.

Thursday, February 6.

[*MINUTES.*] The bill for enabling the auditor of the exchequer to appoint a trustee to execute the duties of the office in the case therein mentioned, was read a second time.—Lord Auckland, after observing that there was an obvious necessity for passing this bill as speedily as possible, moved to suspend the standing orders 104 and 155, with the view of going through the different stages of the bill this evening. This motion being agreed to, the bill passed through a committee, was reported, read a third time, and passed, and a message ordered to be sent to the commons, to acquaint them therewith.

HOUSE OF COMMONS.

Thursday, February 6.

The Speaker counted the house at four o'clock, and there being only 38 members present, he declared the house adjourned till to-morrow.

HOUSE OF LORDS.

Friday, February 7.

[*MINUTES.*] The house met at 11 o'clock in the morning, when the royal assent was given by commission to the auditor of the exchequer's bill.—Their lordships then adjourned till five in the afternoon, at which hour they again met.—Lord Eldon observed, that several appeals stood over from the last session for judgment, to the consideration of which he had devoted as much time during the recess as

his leisure would allow. He had intended at the commencement of the session, to propose to their lordships to fix days for giving judgment on the appeals to which he had alluded, and his purpose in rising now was to give notice, that he should about the middle of next week, move to appoint a time for pronouncing judgment in those appeals.—Mr. Alexander brought up the malt duty bill, and the pension, &c duty bill, which were severally read a first time.

HOUSE OF COMMONS.

Friday, February 7.

[*MINUTES.*] This day, about 11 o'clock the speaker took the chair. Immediately after prayers, Mr. Quarne appeared at the bar, and in virtue of his majesty's commission addressed to certain members of the upper house, required the attendance of the house of commons in the house of lords to hear the commission read, and the royal assent given to the bill therein mentioned. The speaker accordingly, attended by the officers of the house, went to the house of lords, and on his return informed the commons that he had been present and heard his majesty's assent given to the commission to the bill for empowering the auditor of exchequer to appoint a trustee to act for him in the event therein mentioned.—The house then adjourned till 1 o'clock, when they proceeded to ballot for a committee to try the merits of the petition complaining of an undue return for the county of Middlesex.—On the motion of Mr. Sheridan, the speaker issued a warrant to the clerk of the crown, for new writs for the city of Westminster, in the room of the right hon. Charles James Fox, who, since his election, had accepted of the office of one of his majesty's principal secretaries of state; for Buckinghamshire, the room of earl Temple, who, since his election, had accepted of the office of joint paymaster of the forces; for Monmouth, in the room of lord viscount Monmouth, who, since his election, had accepted of the office of one of the commissioners for managing the affairs of India, with salary; for Portsmouth, in the room of admiral Markham, who, since his election, had accepted of the situation of one of the commissioners for executing the office of lord high admiral of England; and for Tavistock, in Devonshire, in the room of the right hon. general Richard Fitzpatrick, who, since his election, had accepted

the office of secretary at war.—On the motion of Mr. Tyrwhitt, the speaker issued his warrant to the clerk of the crown for a new writ for Portsmouth, in the room of the right hon. Thomas Erskine, who, since his election, had accepted of the office of lord high chancellor of England.—On the motion of Mr. C. W. W. Wynne, a new writ was ordered to be issued for Okehampton, in the room of lord viscount Althorpe, who, since his election, had accepted of the situation of one of the commissioners for executing the office of lord high admiral.—On the motion of Mr. Hobhouse, the speaker directed his warrant to be issued for a new writ for Harwich, in the room of the right hon. John Hiley Addington, who, since his election, had accepted of the office of one of the commissioners for the affairs of India, with a salary.—Lady Nelson's, lord Collingwood's, and sir R. Strachan's annuity bills were read a second time, and ordered to be committed.

HOUSE OF LORDS.

Monday, February 10.

[MINUTES.] The new lord chancellor, the right hon. Thomas lord Erskine, was introduced (holding the seals in his hand) between lord Holland and the earl of Moira, preceded by the duke of Norfolk, earl Marshal, and attended by garter king at arms. His patent of creation having been read at the table, and the oaths administered, lord Erskine took his seat as a baron, and afterwards as speaker on the woolsack, when he delivered the seals to his pursebearer.—The house then adjourned during pleasure, that the lord chancellor might unrobe. In a few minutes his lordship returned, and the house being resumed, the malt duty bill, and the pension, &c. duty bill severally passed through committees, and were reported.

HOUSE OF COMMONS.

Monday, February 10.

[MINUTES.] Sir Jacob Astley presented a petition from the debtors in the county jail of Norfolk, praying for relief. Ordered to lie on the table.—Mr. Corry brought up the report of the committee appointed to try the merits of the petition relative to the Middlesex election. The report was, that the committee had decided that sir Francis Burdett was not duly elected, and that George Boulton Mainwaring was duly elected. He therefore moved,

that the return should be amended, by erasing the name of sir Francis Burdett, and inserting that of G. Boulton Mainwaring. Ordered.—A new writ was directed to be issued for the election of a Burgess to serve in parliament for the borough of Newark upon Trent, in the room of sir Charles Maurice Pole, who had accepted the place of one of the commissioners for executing the office of lord high admiral.—On the motion of Mr. Creevey, a new writ was directed to be issued for the election of a knight of the shire for the county of Surrey, in the room of lord William Russell, who had accepted the place of one of the commissioners for executing the office of lord high admiral.—A new writ was ordered to be issued for the election of a member for Tavistock, in the room of lord Robert Spencer, who had accepted the stewardship of the Chiltern Hundreds.—A new writ was ordered to be issued for the election of a member to serve for Ryegate, in the room of the hon. John Somers Cocks, now lord Somers, called to the house of peers.—A person from the Bank presented an account of the unclaimed dividends due on the 10th of Oct. 1802, and unpaid on the 23d of March, 1805.—Mr. Vansittart moved, "That there be laid before this house, an account of the net produce of all the permanent taxes and of the war taxes in Great Britain for the years ending the 5th of Jan. 1805, and the 5th of Jan. 1806, respectively, distinguishing each quarter.

[COMMITTEE OF WAYS AND MEANS.]

The house resolved itself into a committee of ways and means, in which

Mr. Vansittart moved, according to the notice he gave on Friday, for a grant of five million to be raised by exchequer bills. He said, it was with great satisfaction he assured the house, that such was the state of exchequer bills now in the market, that the present intended issue would not in the least detriment those now outstanding; as these bills were intended to be made payable four months after date, and might be taken up either from the next loan, or by other exchequer bills, as should be found most convenient, when the chancellor of the exchequer should bring forward the general estimates for the present year's expenditure. This was no more than a mere temporary accommodation, to enable the present government to carry on the public business, and make the necessary payments to the end of the present

quarter.—The resolution was agreed to, the house resumed, and the report was ordered to be received to-morrow.

[WITNESS'S INDEMNITY BILL.] Mr. *Whitbread* rose in pursuance of his notice on Friday last, to move for leave to bring in a bill to indemnify all such persons as should be required to give evidence on the impeachment of lord Melville, and who had served under him at any time, in the Navy Pay Office. He would state the reasons briefly which obliged him to originate this measure this year, though he was aware that they must, in some degree, be in the recollection of the house. Several lawyers had given it as their opinion, that many of the questions which Mr. Trotter might be required to answer, would, if answered, fairly expose him to the dangers of prosecution. In order to obviate this difficulty, a bill was last year brought in to indemnify Mr. Trotter, and such persons as should be required to give evidence in the case of lord Melville, against the consequences of any criminal prosecution. The hon. baronet over the way (sir W. Elford) had then moved, that the indemnity should extend to civil as well as criminal prosecutions, in order to have the witnesses free from any bias whatever. This proposition of his had been agreed to, and the bill, thus amended, sent to the lords. Some difficulties had arisen in the lords upon the subject, in consequence of which the indemnity, as to civil suits, had been struck out, and the bill passed in this state; the question, however, respecting these civil suits, had been referred to the judges, who were directed to give their opinions within three weeks. The bill had been rejected in the commons, in consequence of the lords' amendments, and he had brought in another, extending to criminal prosecution only, which had passed, and received the royal sanction. In the mean time the three weeks had expired, and the judges had given no opinion; and now, in fact, there was no question before them. In consequence of different events which had lately taken place, he had refrained from coming to the house sooner upon this business; but, however, as this delay had taken place, he must beg that the bill might be carried forward with all possible speed, that it might be carried to the other house, and that the opinions of the judges might be taken, before they proceeded on the circuit. This was the more requisite, as every thing that had come under their

observation proved that the evidence of Mr. Trotter was indispensably necessary. It might be proper to say a few words relative to the situation in which the committee stood. They had proceeded in the task assigned them with scarcely the interval of a day; but it would be recollected that they had been obliged to carry on a long and laborious investigation of a number of voluminous documents, public and private, and to search them very minutely, in order to establish the articles which they had already preferred; and that they had been under the necessity of examining a variety of witnesses, many of them from distant parts of the island, especially from the north. He hoped, however, that the committee would soon be enabled to complete the business, as it was as the house had hitherto proceeded. He thought it right to state, that it was intended to present a special report to the house, respecting certain circumstances that had come to their knowledge since they had entered upon their labours as committee, with a view to lay the foundation for a fresh article or two of impeachment against lord Melville. This he said in order to give the house all proper information respecting their proceedings, and to prevent any person from saying hereafter that he was taken by surprise. At the same time, though the grounds of the report were settled, and the report itself almost ready to be presented, it was at thought proper to withhold it till Mr. Trotter could be examined. The house concluded by moving for leave to bring in a bill "to indemnify persons who shall give evidence against Henry lord viscount Melville, towards or upon the impeachment voted against him by the commons of the united kingdom of Great Britain and Ireland, in parliament assembled in respect of acts done by such persons in any office or employment held by them under the said lord viscount Melville, during the time he held and enjoyed the office of treasurer of his majesty's navy."

Sir W. Elford observed, that the object of the bill now moved for, seemed to be exactly the same with that which he had thought necessary to suggest last year. His view was to render the witnesses free from all bias whatever, either on one side or the other, and this, in his opinion, was not to be effected without removing all fear of liability to any danger from any thing that might disclose either by a criminal pro-

cution, or a civil suit. Being of this opinion, he had, of course, suggested the amendment which had been carried in this house. The judges had certainly given no opinion, and in fact had refused to give an opinion on a question put to them on such a broad basis. But, however, he hoped, that the witnesses would be free from all bias, so that every chance of justice might remain both for the individual and the public. With this object in view, he could have no objection to the bill being brought in, and as the principle had already been recognised by the house, he saw no reason why it should not be suffered to proceed with all the requisite dispatch.—The question was then put, and leave given. After which Mr. Whitbread brought in the bill, which was read a first and second time, committed, reported, and ordered to be read a third time to-morrow.

HOUSE OF LORDS.

Tuesday, February 11.

[MINUTES.] Lord Somers was sworn, and took his seat, on acceding to the peerage, on the demise of his father, the late lord.—The malt, and place and pension duty bills were severally read a third time, and passed, and messages ordered to acquaint the commons therewith.—Mr. Graham from the inspector of convicts, presented at the bar the annual accounts of the state of the convicts on the River Thames, and at Portsmouth; which were ordered to lie on the table.

HOUSE OF COMMONS.

Tuesday, February 11.

[MINUTES.] A message from the lords communicated their lordships' assent to the malt duty bill, and the pensions, sugar, tobacco, and snuff duty bills.—On the motion of lord Folkestone, the account on the table, stating the progress made by the commissioners for reducing the national debt for the year ending the 31st of Jan. last, was ordered to be printed.—Mr. Alexander brought up the report of the committee of ways and means. The resolution for an issue of five millions of exchequer bills was read and agreed to, and a bill ordered.—Mr. Tierney rose to revive a notice, which he had submitted to the house above two years ago. He said, that he should on this day three weeks move for leave to bring in a bill for the

purpose of removing all doubts with respect to the law which applied to the treating at elections. The reason which urged him so long to delay bringing this subject before the house, the right hon. gent. stated to be, that ever since he had given notice, a number of election petitions had been generally before the house, which in most cases involved this question.—New writs were ordered for Wilton, in the room of lord viscount Fitzwilliam, who had accepted the stewardship of the manor of East Hendred; and for Haverfordwest, in the room of lord Kensington, who had been appointed one of the commissioners for executing the office of lord high admiral.—Mr. Vansittart moved, 1. "That there be laid before this house, an account of the number of vessels, with the amount of their tonnage, and the value (official and computed) of their cargoes, which entered inwards, and cleared outwards, in the several ports on the West coast of Great Britain, from Liverpool inclusive to the northward, from or to any part of the continent of Europe situate northward or north-eastward of Holland, and also from or to any ports on the east coast of Great Britain, from Lynn Regis, in Norfolk, inclusive, to the northward, for five years, ending the 5th of Jan. 1793, and for five years, ending the 5th day of Jan. 1806." 2. "An account of the number of vessels, with the amount of their tonnage, and the value (official and computed) of their cargoes, which entered inwards, and cleared outwards, in the several northern ports of Ireland, including Dublin and Sligo, from or to any part of the continent of Europe, situate northward or north-eastward of Holland; and also from or to any ports on the east coast of Great Britain, from Lynn Regis, in Norfolk, inclusive, to the northward, for five years, ending the 5th of Jan. 1793, and for five years, ending the 5th of Jan. 1806." Ordered.—Mr. O'Hara moved, "that there be laid before this house, an account of the totals of the imports and exports of Great Britain, according to their real value, for the years ending 5th Jan. 1800, 1, 2, 3, 4, 5, and 6, respectively, so as to ascertain the balance of each year." Ordered; as was also a similar account for Ireland.

[AFFAIRS OF INDIA.] Lord Folkestone adverted to the notice which had been given by an hon. gent. near him (Mr. Paull) with respect to the affairs of India,

and to the several papers which that hon. gent. had moved for preparatory to his intended motion. But in addition to the papers on the table, and those ordered to be laid before the house, the noble lord thought the following essentially necessary to a thorough investigation and full understanding of the subject to which they referred; he should therefore move, 1. "That there be laid before this house, a return of the officers, non-commissioned officers, privates and recruits belonging to his majesty's service, which have been embarked for the East-Indies, from June 1793, to the last embarkation; and of those who have returned to Great Britain, distinguishing each year." 2. "A return of the cadets and recruits entered and enlisted for the service of the East-India company, who have been embarked for the several presidencies in India, from June 1793, to the last embarkation, and of those who have returned to Great Britain, distinguishing each year." Ordered.

Mr. *Paul* moved, for an account of the quantity of specie and bullion which had been exported to the several presidencies in India, since the year 1797; and also an account of the bills of exchange drawn from those presidencies, distinguishing the amount to and from each presidency, and also each year.

The *Speaker* suggested to the consideration of the hon. gent. whether it would not be more regular to give notice of a motion of this nature, particularly in the thin state of the house; because if, hereafter, there should be any objection to the production of such an account, another specific motion must be made to expunge the order. The right hon. gent. thought it his duty to submit this remark to the hon. gent., leaving it to his own discretion to determine upon what course to pursue.—In consequence of this suggestion, Mr. *Paul* gave notice of his motion for to-morrow.

[*LORD COLLINGWOOD'S ANNUITY BILL.*]

Mr. *Alexander* brought up the report of lady Nelson's annuity bill, which was agreed to, and the bill was ordered to be read a third time to-morrow.—Upon the report of lord Collingwood's annuity bill being brought up,

Lord *Castlereagh* said, that as he was the person who presented his majesty's message upon this subject, he thought it his duty to state, for the consideration of the house, certain circumstances which had come to the knowledge of the late admi-

nistration, since this message was recommended. These circumstances were of such a nature as strongly to urge the propriety of reconsidering the limitations contained in the bill before the house. Although he did not feel himself entitled to expect that any suggestion of his would be much attended to by his majesty's present ministers, yet upon this occasion he could not suppose that the grounds upon which his suggestion rested, could fail to interest their consideration. According to the limitations in the bill before the house, the succession to the annuity was settled upon the two next male heirs of lord Collingwood. But it appeared that this noble lord had no male children, his family consisting merely of lady Collingwood and two daughters; who, in the event of the gallant officer's death, were likely to be exposed to a state of distress, which, no doubt it would be the most anxious wish of the house and the country to prevent. With a view then to guard against such consequences, and to afford an opportunity of arranging more suitable provision for the family of lord Collingwood, it was his wish to suspend the progress of this bill for some time. He therefore moved that the report be taken into consideration on the day to-morrow.

Mr. *Spencer Stanhope*, who stated that he had long had the honour of being acquainted with lord Collingwood and his family, recommended that, instead of the limitations at present in the bill, it should be arranged thus; that in case of the death of that meritorious officer, 1000*l.* a year of the proposed annuity should descend to his widow, and 500*l.* per year to each of his daughters, to be held by them during their lives. This plan would be infinitely more suitable than that which the bill contained, as lord Collingwood was not likely to have any more children; and surely it was that it would be much more agreeable to the family of that noble lord, and conformable to the feelings of that noble lord himself. It would serve to relieve much of that anxiety which must naturally arise in the breast of a parent who is daily exposed to death in his country's cause, a man who must be sorely afflicted by the idea that his death would leave his family with a very limited provision. Parliament the hon. member had no doubt, would be happy and prompt to release the feelings of that noble lord from such an afflictive prospect.

Mr. *Vansittart* felt the utmost satisfaction in acceding to the proposition of the noble lord, and he had not the least doubt that the object to which it referred would meet with the fullest attention from his majesty's present ministers. They would of course not fail to take care that the family of an officer who deserved so well of his country should not be left without an adequate provision; and with that view it would certainly be necessary to provide, that, in failure of male issue, the proposed annuity should devolve on the other branches of the noble lord's family.

Admiral *Harvey* observed, that it was no affair of his to consider with what the annuity mentioned in the bill originated; but it was to him an object of the most serious solicitude, that such merit as that of lord *Collingwood* should not go unrewarded, or that the family of such a man should not be left unprovided for. That the latter was likely to be the case, if the house should not reconsider the bill under discussion, he very much feared was but too true.—The motion was then put and agreed to.

HOUSE OF LORDS.

Wednesday, February 12.

[MINUTES.] The royal assent was given, by commission, to the malt tax, and place and pension duty bills, and to the bill for naturalizing John de Rickholme.—Mr. *Whitbread* brought up from the commons a bill to indemnify all persons serving under Henry lord *Melville*, while treasurer of his majesty's navy, from and against all civil processes, to which they may be liable in consequence of the evidence they may give in the case of the impeachment pending against the said lord *Melville*.—Lord *Holland* moved the first reading of the bill; which being done accordingly, his lordship moved, that the said bill be printed.

HOUSE OF COMMONS.

Wednesday, February 12.

[MINUTES.] Lord *Henry Petty* was sworn, and took his seat, on his election to represent the university of Cambridge.—Mr. *Johnson* from the office of chief secretary for Ireland, presented a return of the sums received and disbursed by the commissioners of accounts for Ireland, in the year ending 5th Jan. 1806. As also several other papers; among which were certain returns from the county magistrates.

This last was ordered to be printed, on the motion of sir *J. Newport*, who stated that it was very material to the people of Ireland, that the information it contained should be as fully as possible before the house.—Mr. *J. Fitzgerald* obtained leave to bring in a bill to facilitate the division of lands subject to ascertained right of common in Ireland.—On the motion of Mr. *J. Fitzgerald*, it was ordered, that there be laid before the house, copies of the certificates of the lord chief justice of the king's bench, the chief justice of the court of common pleas, and the master of the rolls, in Ireland, as to the amount of the fees of the different offices held by patent in their respective departments.—The bill for indemnifying from civil suits certain persons giving evidence against lord *Melville*, was read a third time and passed.—Mr. *Paull* moved, "that a return of the specie and bullion exported by the hon. the directors of the East-India company to the several presidencies in India, from 1793, to Sept. last, be laid before the house." Before the question was put, Mr. *Vansittart* said he must appeal to the hon. gent.'s candour, to postpone his motion for the present, as a right hon. friend of his, not now in the house, but who would be there in the course of a few days, had expressed a wish to be present when the motion was made. Mr. *Paull* acquiesced in the delay, and the motion was, with the leave of the house, withdrawn.—On the motion of Mr. *Brooke* it was ordered that there be laid before this house, an "account of the several contracts for spirits, and the prices at which they were made, entered into by the commissioners of his majesty's victualling board for the supply of the royal navy, from 5th July 1803, to 5th Jan. 1806, distinguishing the quantities of foreign brandy or British plantation rum delivered, and the respective ports of delivery."—Mr. *Vansittart* brought up the 5 million exchequer bills bill, which was read a first time.

HOUSE OF LORDS.

Thursday, February 13.

[WITNESSES' INDEMNITY BILL.] Lord *Holland* moved that the witnesses' indemnity bill should be read a second time on Monday, and that the lords be summoned.

Lord *Hawkesbury* said he did not mean to oppose the motion made by his noble friend, he only wished to call the attention of the house to this bill, the object of which,

it would be recollected by their lordships, made part of a bill which was before the house last session, and which went to indemnify persons giving evidence on the impeachment of lord Melville, from both criminal prosecutions and civil process, in consequence of such evidence. Some doubts, however, then arose with respect to the indemnification from civil process, and only the indemnity from criminal prosecutions was agreed to. With respect to the civil indemnity, certain questions were referred to the judges, with a view of ascertaining whether persons were legally justified in refusing to answer questions, the result of which might subject them to a civil suit. Their lordships were aware that, a prorogation having intervened, the judges did not conceive that there were any questions now regularly before them to which they were called upon to give an answer. The subject, however, which was involved in those questions, he considered to be of importance, and he suggested whether it would not now be advisable to refer similar questions to the judges, for the opinion of that learned body, before they proceeded upon the bill?

Lord *Holland* said, he did not object to the proceeding proposed by the noble lord; but, as there was an obvious necessity that their lordships should either pass or reject the bill now before them without loss of time, his noble friend would also be aware of the necessity of having the opinions of the judges as speedily as possible. The earliest day that could be named would, he conceived, be the most advisable to be appointed for the attendance of the judges, in order that their lordships might, without delay, proceed upon the bill, and either agree to its provisions, or finally reject it. After a few words interchanged between lords *Hawkesbury* and *Holland*, respecting the time to be appointed, it was ordered, that the judges should attend on Monday, for the purpose of then referring to them certain questions.

HOUSE OF COMMONS.

Thursday, February 13.

[*MINUTES.*] Mr. *J. Pym* and Mr. *G. B. Mainwaring*, took the oaths and their seats for the counties of Bedford and Middlesex.—On the motion of Mr. *Hurst*, a new writ was ordered for *Steyning*, in *Sussex*, in the room of lord *Ossulston*, who, since his election, had accepted of the of

fice of treasurer of his majesty's house hold.—On the motion of Mr. *L. Dundas*, a new writ was ordered for *Richmond* in *Yorkshire*, in the room of the hon. *G. H. L. Dundas*, who, since his election, had accepted of the office of steward of the *Chiltern Hundreds*.—On the motion of Mr. *Vansittart*, a new writ was ordered to be issued for *Cashell*, in *Ireland*, in the room of the right hon. *W. Wickham*, appointed one of the lords of the treasury; and for *Wareham*, in *Dorsetshire*, in the room of *J. Calcraft*, esq. appointed clerk to the board of ordnance.—On the motion of Mr. *Creevey*, the name of lord *H. Petty* was added to the committee for managing the impeachment against lord viscount *Melville*.

[*WOOLLEN WEAVERS' PETITION.*] Admiral *Berkeley* presented a petition of several woollen weavers, resident in or near the clothing towns and villages in the county of Gloucester, setting forth, "that the petitioners have for several years past suffered great hardships and distress, owing to certain master clothiers having, for their own emolument, violated those laws which parliament has from time to time enacted for the preservation and prosperity of the woollen manufacture, and for the due protection of the persons employed therein and that the said laws have been so violated, under the pretence of their being obsolete; and that the said master clothiers, after their repeated applications to parliament for an indiscriminate suspension or repeal of nearly the whole code of existing laws had failed, at length, at the close of the session, in the month of July 1803, obtained a bill for suspending the said laws until the first day of July following, under, as the petitioners were informed, and believe, a solemn pledge and assurance, that they would come forward early in the ensuing session with a bill for a general revision and regulation of the said laws, and owing to which assurance the petitioners forbore from opposing the said bill of suspension; and that from that period up to the present time the said master clothiers have not come forward with a bill of revision or regulation whatever, but have, during each succeeding session, waited till near its close, and then urged the want of time for investigation as ground for their soliciting a further bill of suspension; and that during this protracted suspension of the laws, the petitioners have been the afflicted spectators

of their daily violation by the master clothiers, who have been making fortunes to themselves at the expense of those privileges, and of that employment, which parliament has held out and guaranteed to the petitioners as a reward for long and faithful services, and by such practices injurious to the ultimate reputation of the fabric; and that, under these circumstances, the petitioners pray that their case may be taken into speedy consideration, and that such relief may be afforded to them as to the house shall seem meet."—Ordered to lie upon the table.

HOUSE OF COMMONS.

Friday, February 14.

[MINUTES.] Mr. J. Latouche presented a petition from the debtors confined in the Marshalsea prison of Dublin, which was ordered to lie on the table.—Mr. Paull gave notice, that on Wednesday next he would make his motion for a return of the hullion, bills of exchequer, &c. exported to India, by which exportation several acts of the present king had been violated.—The exchequer bills bill went through a committee.—On the motion of Mr. Walpole, a new writ was ordered for the city of Litchfield, in the room of Thomas Anson, esq. now lord Anson.—On the motion of Mr. Hurst, a new writ was ordered for the borough of Steyning, in the room of James Martin Lloyd, esq. who, since his election, had accepted the office of steward of his majesty's Chiltern Hundreds.

HOUSE OF COMMONS.

Saturday, February 15.

[MINUTES.] Mr. alderman Combe brought up a petition from the prisoners confined for debt in the gaol of Ludgate, praying relief; which was ordered to lie on the table.—Mr. Alexander brought up the report on the bill for raising 5 millions by exchequer bills. The amendments were read, and agreed to, and the bill ordered to be read a third time on Monday, if then engrossed.

HOUSE OF LORDS.

Monday, February 17.

[WITNESSES' INDEMNITY BILL.] On the order of the day being read for the second reading of this bill, and for the attendance of the judges, who were all present,

Lord Eldon adverted to the bill which was before the house last session, and which embraced the same object as the bill now under their consideration. He at that time called the serious attention of their lordships to the bill, which he considered to be in the nature of an *ex post facto* law, and he then proposed certain questions to be put to the judges, in order that there might be a clear understanding, as to the nature of the law upon the subject. He now rose to propose, that similar questions should be put to the judges, with the same view. He could not help, however, observing, that the principle attempted to be established by the present bill, was one which demanded the most serious consideration of their lordships; was one, for not guarding against the introduction of which they might deserve the reproaches of posterity. The bill expressed doubts as to the liability of a witness to answer a question, the answer to which might involve him in a civil suit, he could only say, that he had been 30 years in the profession of the law, as counsel, and in a judicial character, and it was the first time he had heard that there was any doubt upon the subject, although he was aware, that upon this point a high legal authority was against him. He wished, however, their lordships to be fully aware of the nature of the bill, which went, as it might happen, to give persons sums of money (for it was the same thing, whether the money was actually given, or whether they were freed from any process; for a sum of money claimed by the public) for giving evidence at their lordships' bar, and not only were such persons, on that account, discharged from any process on account of debts due to the crown, but from any process on account of debts due by them to individuals, according to the words of the act, "any other person or persons." He saw so many objections to the bill, that he could not help recurring to the admirable speech of lord Hardwicke, upon a bill of a similar nature, which was before the house in the year 1742, and to which he had referred last sessions, when that great man concluded his speech by observing, that he would much rather be the object of such a bill, than the author of it. His lordship concluded by moving to refer to the judges for their opinion, three questions, varying in terms, the object of which was to ascertain, whether, according to law, a witness had a right to demur to the answering any question, relevant to the subject under in-

vestigation, the answer to which might tend to acknowledge a debt recoverable by civil process? or which might render him liable to civil process generally? or which might render him liable to civil process at the suit of the crown, for the profits of any public money converted to his own use?

Lord *Holland* said, he should not now comment upon the objections made to the bill by the noble and learned lord, as this was not the proper time for discussing the bill. He could not help, however, observing upon one point urged by the noble and learned lord, in which he thought the noble and learned lord was not borne out by the words of the bill. He did not conceive that there was any provision in the bill which could authorize the construction, that a witness giving evidence under the sanction of its provisions would be thereby exonerated not merely from civil process on account of the application of public money, but also on account of debts due from such witness to private individuals. On the contrary, he conceived the bill to apply solely in its enactments, as it certainly did in intention, to the discharging such witness from process on account of public money.

Lord *Eldon* admitted that the bill did not apply to merely private debts. He, however, wished to put the case of transactions arising originally out of the employment of public money, becoming so far transactions between individuals as to give rise to debts which could only be a subject of contention between those individuals by whom and to whom they were contracted.—After some further explanation between lord *Eldon* and lord *Holland*, the questions were referred to the judges, who requested time till Thursday se'nnight to consider of them.

Lord *Holland* expressed a wish that an earlier day might be appointed for the judges to deliver their opinion, which he thought would be practicable, as questions similar to the present were referred to the learned judges last session.

The Lord *Chancellor* (*Erskine*) said, that the delay asked by the judges was, he conceived, no more than ought fairly to be allowed, considering the variety of avocations by which their time would in the mean while be occupied. The sessions at the Old Bailey would intervene, which would necessarily employ the time of some of the learned judges and, upon questions of such importance as these, they would

naturally wish to deliberate upon when all of them were present. He thought this merely to shew that it was the avocations of the judges which prevented an earlier day from being fixed.—It was then ordered, that the judges should attend on Thursday se'nnight, to which day the second reading of the bill was postponed and the lords ordered to be summoned that day.

Lord *Eldon*, advertent again to the importance of the law considerations which the bill gave rise to, intimated the probability, that upon further turning over the subject in his mind, he should feel it incumbent on him to move for a committee to search for precedents. In case it should be his determination, he proposed to give notice of it to-morrow, and to move it on the subsequent day.

HOUSE OF COMMONS.

Monday, February 17.

[*MINUTES.*] On the motion of Francis, a new writ was ordered for *Apby*, in the room of Mr. *Courtenay*, who had been appointed one of the lords of the treasury.—A new writ was ordered, on the motion of Mr. *Pole Carew*, for *Worcester* in the room of *Wm. Lygon, esq.* now *Beauchamp*.—Mr. *Fox* was introduced lord *Henry Petty* and Mr. *Whitbread*, took the oaths and his seat.—Sir *P. St. John* presented, pursuant to order, an account of the contracts for spirits, with the text &c. from 5th July 1803, to 5th Jan. 1806.—A bill for erecting a workhouse, making certain arrangements with respect to the poor in the parish of *St. Sepulchre* was brought in by sir *J. Anderson*, and read a first time.—Mr. *Lee* moved, “that there be laid before this house, an account of the number of writs issued out of the courts of King's Bench and common Pleas in Ireland, for the last 4 years, commencing the 1st day of Michaelmas term 1801, and distinguishing the numbers issued of each court during each year.” Ordered.—Lord *H. Petty* gave notice, that he would, to-morrow, move that the house adjourn to Monday next; and also, on that day he should move for a resolution of the committee for investigating the account between great Britain and Ireland.—Dr. *Duigenan* moved for leave to move in a bill for enforcing the residence of spiritual persons on their benefices in Ireland. Ordered.—The 5 millions

chequer bills bill was read a third time, passed, and sent to the lords.—The bill for ascertaining the population of Ireland was brought in by Mr. Fitzgerald, read a first time, and ordered to be read a second time on the 3d of April, and to be printed.—A bill for more easily obtaining the partition or inclosure of land in Ireland, was brought in by the same right hon. gent. and read a first time.

[UNION WITH IRELAND.] Mr. Alexander availed himself of the appearance of a right hon. gent. in his place (Mr. Secretary Fox) to put a question to him on a subject, which he looked upon as deeply interesting to the empire. In a late debate (see p. 128.) that right hon. gent. had expressed some opinions respecting the Union with Ireland, which had excited a considerable sensation, and given rise to much agitation in different parts of the empire. The request, therefore, that he had to make to that right hon. gent. was, that he would distinctly state the tenor of those opinions, so far as they might lead to any practical result, with a view to put an end to the agitations which they had already excited.

The Speaker felt it to be his duty to remind the house, that, for any member to put a question to another, with reference to any expressions that might have been used by him in a former debate, was wholly irregular and inconsistent with the received practice of that house. It would, however, rest with any hon. member to use his own discretion how far he should deviate from the received usage, and comply with such an irregular proceeding.

Mr. Alexander was fully aware of the irregularity of his application, and therefore pressed for an explanation, as a particular favour, rather than as a right, with a view to quiet the apprehensions which appeared to have been excited.

Mr. Secretary Fox then rose and observed, that he had many apologies to make to the house for saying any thing on the subject. The words which the hon. member had alluded to, as having been used by him on a former night, applied particularly to the question then under the consideration of the house, and so far as they referred to that, appeared to him sufficiently clear and explicit. He had felt himself bound to express himself in that manner, to prevent any misunderstanding, because a very respectable member of that house had said, that he could not consent

to the motion then under discussion, for voting posthumous honours to marquis Cornwallis, as he could never approve of the measure of the Union, which had been effected by that nobleman. He agreed himself with that respectable member as to the measure of the Union, though he differed from him, as to the effect of his supporting the motion, which he had clearly evinced by his vote for the honours to be paid to the memory of the noble marquis. But he had at the same time begged of the house clearly to understand, that by voting in that manner, he by no means expressed any approbation of the principle of the measure of the Union, or of the manner in which it had been conducted. His opinion on that subject remained the same as it had been, and he saw no reason to look to any alteration of it; at least, he had yet not heard any thing to make him alter it. But he had not on the occasion alluded to, expressed one word prospectively. His observations applied purely to the measure as it arose, and to the manner in which it had been conducted. But it did not follow, that, because a man had felt that a particular measure, and more especially the manner in which that measure had been conducted, had been exceptionable, he was therefore bound to undo it. There are, said the right. hon. gent., many measures which may originally have been bad, and yet cannot be remedied by a repeal of them; and if ever there was a measure, the enactment of which is not connected with its repeal, it is precisely this measure of an incorporate Union. For, however objectionable the manner under all the circumstances under which it was carried, it is impossible to remedy any objections which might have originally existed against it, by its repeal.

Mr. Alexander declared himself fully satisfied with the explanation of the right hon. gent. and again disavowed any other object than that of setting the public mind at rest on the subject.

HOUSE OF LORDS.

Tuesday, February 18.

[MINUTES.] Lord Eldon gave notice, that he should, on Monday next, move for the appointment of a committee to search for, and to report precedents of, the practice and proceedings of that house, in cases of indemnity bills with respect to witnesses in the prosecution of impeachments.—Lady

Nelson's and sir R. Strachan's annuity bills were severally read a third time, and passed.—Mr. Alexander brought up from the commons the bill for granting to his majesty the sum of five millions, by way of exchequer bills, &c.; which was read a first time.

HOUSE OF COMMONS.

Tuesday, February 18.

[*MINUTES.*] Lord G. Cavendish moved for a new writ for the borough of Knaresborough, in the room of lord John Townshend, who had accepted the office of joint paymaster of his majesty's forces.—Mr. Creevey moved for a new writ for the borough of Aldeburgh, in the room of Mr. John M'Mahon, esq. who had accepted the office of chief storekeeper of his majesty's ordnance.—Mr. Vausittart moved for a new writ for the city of Waterford, in the room of Sir John Newport, bart. who had accepted the Chiltern Hundreds; and Mr. Whitbread moved for a new writ for Stafford, in the room of the right hon. R. B. Sheridan, who had accepted the office of treasurer of the navy; which were severally ordered accordingly.—Ordered, that the right rev. Robert Allott, dean of Raphoe, be requested to preach before this house, at St. Margaret's church, Westminster, on Wednesday, the 26th instant, being the day appointed by his majesty for a general fast in this kingdom.—Lord Henry Petty moved, that this house, on its rising, do adjourn to Monday. Mr. Spencer Stanhope said, that before the question was put, he would beg leave to ask the noble lord for an answer as to a single fact, which he would state without any comment whatever; and that was, whether lord Elliotborough, who is one of the privy council, was also allowed to sit and vote in that department of the executive government, which was in common called the Cabinet Council? Lord H. Petty said, he had no hesitation in answering the question of the hon. gentleman, and to inform him and the house, that the noble and learned lord he had named as being one of the privy council, had also been summoned to, and had attended more than once, the sittings of what was commonly called the Cabinet council.

[*PETITION AGAINST THE ADDITIONAL FORCE BILL.*] A petition of the noblemen, and the humble petition of others the vestrymen of the parish of St. Mary-la-

bonne, in the county of Middlesex, presented to the house, setting forth "that the number of men required to be raised in the said parish, under the provisions of an act of the 44th of his present majesty, intituled, an act for establishing and maintaining a permanent additional force for the defence of the realm, and provide for augmenting his majesty's regular forces, and for the gradual reduction of the militia of England, amounted to 245; and, notwithstanding every endeavour had been made by the select vestry churchwardens, overseers of the poor, other official servants, it had been impossible to procure a single man in the manner and upon the terms prescribed by the said act; and that the said parish therefore become liable to the several penalties imposed by the said act, and had consequently, on the 23d day of Aug. last, been assessed in the enormous sum of 4,500 in respect of such deficiency, which, for the reason before given in, was not possible to avoid; and that the sum of 2000 *l.* had been paid to the treasurer of the county of Middlesex on account of the said penalties; and the petitioners have not been informed, nor do they believe that, in consequence of the said assessment, a man has been called to the account of the said parish by the recruiting officer of the district in which the said parish is situate; and that, as the said act seems to have failed in its intended object in every respect, and to impose heavy penalties upon persons without the possibility of their avoiding the same, the petitioners pray that the said act may be repealed."—Ordered to lie upon the table.

HOUSE OF LORDS.

Monday, February 24.

[*CONDUCT OF JUDGE FOX.*] Lord Eldon, on perceiving a noble marquis to rise, rose, and called the attention of the house generally to the situation in the case of the above judicial character stood before their lordships. There was one, in every point of view, public as well as private, of the highest importance, and it was highly proper that the case should come to some determination. He therefore requested that of that noble marquis, whether he intended to move for any proceeding relative to the attendance or examination of witnesses in the case of Mr. justice Fox?

The Marquis of Abercorn said, in

be in the recollection of several of their lordships, that so early as on the first day of the session, he had called the attention of the house to the business alluded to. It was his wish, that as little delay as possible should take place with respect to the proceedings upon the case. The spring assizes in Ireland were to take place this year somewhat earlier than they did last year, in which case their attendance in London might be proportionably earlier, a week or ten days at least. It was his intention to move, that certain witnesses be ordered to attend on the 28th of April. His lordship presented a list of a number of witnesses, who, he regularly moved, should be ordered to attend at the bar of that house on the 28th day of April next.—As the lord chancellor was reading the motion,

Lord Grenville entered the house, and, on the question being put, his lordship rose, and observed, he spoke under the disadvantage of not having heard what transpired on the subject previous to the motion; but it struck him most forcibly, that, on a subject of such great and various importance as that which the case of Mr. justice Fox involved, some time should be allowed, not only as it respected himself, but other noble lords, who wished to deliver their opinions, for the consideration of the subject. He was then quite unprepared to give a decided opinion as to what was proposed. He submitted, therefore, whether it would not be better to withdraw the motion? but, shortly after, he moved that the farther consideration of this motion be adjourned to this day se'night.—This, on the question being so put, was agreed to by their lordships.

[EARL ST. VINCENT.] Lord Grenville presented a message from his majesty, purporting that, by the act of parliament for granting an annuity to the earl of St. Vincent, that annuity was limited to the two next heirs male of his body, and desiring the house to take the further extension of the same into their consideration.—The message having been read, lord Hawkesbury asked, across the table, if any motion was intended? Lord Grenville answered in the affirmative, and observed that, in granting the annuity to lord St. Vincent, it had been originally intended, as was usual in similar cases, to extend the grant to the two next successors to the title. It happened, however, that, by the exacting words of the act, the annuity

was limited to the two next heirs male of the body of lord St. Vincent. The present message, therefore, had not for its object to confer any additional mark of royal favour on lord St. Vincent, but merely to carry into effect what was undoubtedly the original intent of the act to which he had alluded. A bill to this effect would, in due time, come before the house, when their lordships would have an opportunity of considering the subject. He concluded, by moving, in the usual form, an address to his majesty, in answer to his majesty's most gracious message, which was agreed to.

[LORD ELLENBOROUGH'S SEAT IN THE CABINET.] The Earl of Bristol, on seeing the noble lord at the head of the treasury in his place, rose, and, in a very low tone of voice, addressed a few observations to his lordship; the purport of these appeared to be, a wish from the noble earl to be informed respecting a point which, he conceived, had made a deep impression on the public mind, and which was certainly a topic of great constitutional importance. He alluded to what was generally stated, that the present lord chief justice of the king's bench constituted one of his majesty's cabinet ministers. He begged an answer from the noble lord as to the fact.

Lord Grenville said, he felt anxious to give as explicit and satisfactory an answer as was in his power, to the question of the noble earl. He was at a loss to see how the appointment alluded to by the noble earl, was unconstitutional and unprecedented. He believed, that ever since the privy council existed, or even since there existed such a station as that of lord chief justice, the learned lord who filled that station at the time was likewise invariably one of his majesty's privy council. Indeed, the lord chief justice of the king's bench was frequently summoned to attend the council on matters of the highest moment; and he was not only responsible for the advice he actually gave, but was also liable for any omission in giving his advice. His lordship must think it unnecessary to observe, that what was generally or usually called "the Cabinet," was, under that appellation and description, unknown to the constitution; indeed, it should rather be considered as a committee of the privy council that was more frequently called upon by his majesty for advice. Even that committee the lord chief justice of the land had often been summoned to attend;

and if at all times it appeared, that the lord chief justice was a member of his majesty's privy council, and that he was often called upon for advice by that committee of the privy council, commonly known by the name of the "cabinet," he could not think that it trenched in the least upon the spirit or the letter of the constitution, that he who was always of the privy council, and who was frequently consulted by his majesty's more immediate advisers, should be made an habitual or constant member of the committee of the privy council, which he had considered the cabinet to be; more especially when the person who filled that exalted station was, in the present case, a man from whose vigour of intellect, from whose extent of capacity, and from whose comprehension and depth of knowledge, the administration of his majesty's government was sure to receive the uniform assistance of such various lights. When he was honoured with his majesty's orders to form an administration, he anxiously looked out for such distinguished characters; and, if any exception was made to the advice he presumed to offer to his majesty on that very important business, he held himself responsible for any error or mischief with which it might be deemed chargeable. With regard to the appointment being unconstitutional and unprecedented, he should now only observe, that he believed it had the sanction of the example of lord Hardwicke, and certain he was it had the sanction of the example of lord Mansfield. The more such a question was discussed, the less, he trusted, it would be found liable to the objections insinuated by the noble earl.

The Earl of *Bristol* could not help thinking the appointment highly objectionable, notwithstanding the explanation of the noble lord. To him it appeared repugnant to the constitution, and incompatible with the due administration of justice; and, on these grounds, he should certainly submit it to the consideration of the house on Monday next; for which day it was ordered that their lordships be summoned to attend.

[WITNESSES' INDEMNITY BILL.] Lord *Eldon* went over some of his former arguments against this bill, comparing it with the indemnity bill brought into the house in the year 1742, and observing, that such a bill having now been introduced, it was essential, in his opinion, that their lordships should ascertain what had been done

in similar cases or former occasions. He therefore moved for the appointment of a committee to search for precedents respecting bills to enable witnesses, in cases of accusation, to give evidence at the bar of the house, by indemnifying them from criminal prosecutions or civil suits, or either of them.

Lord *Holland* said, he did not wish to oppose the motion of the noble and learned lord, but he was convinced that on the search being made, which the noble and learned lord desired, it would be found that the present bill was not by any means as the noble and learned lord would have it understood, a *fac-simile* of that introduced in 1742; but, on the contrary, wholly dissimilar. He could not help, at the same time, thinking it unfair to argue the bill at the present moment, when it was not regularly before the house.

Lord *Eldon*, in explanation, contended that he had never said that the present bill was a *fac-simile* of that of 1742; but that they must both be argued on the same principle.—The motion for a committee to search for precedents was agreed to.

HOUSE OF COMMONS.

Monday, February 24.

[MINUTES.] Lord Temple, lord W Russell, lord Ossulston, lord R. Spence lord Morpeth, Mr. Windham, Mr. Calcraft, and Mr. Erskine, took the oath and their seats.—Mr. Whitbread moved that lord Temple, lord R. Spencer, and Mr. Calcraft, be added to the committee appointed to prepare articles of impeachment against lord viscount Melville. Ordered.—On the motion of Mr. Calcraft the following new writs were ordered to be issued, viz. for the borough of Inniskille in the room of sir W. Burroughs, who since his election, had accepted the office of one of the judges in the supreme court at Bengal; for the borough of Plymouth in the room of P. Langmead, esq. who had accepted the office of steward of his majesty's manor of East Hendred; and for the borough of Portarlington, in the room of T. Tyrwhitt, esq. who had accepted the office of steward of his majesty's Chiltern Hundreds.—Lord Henry Petty moved that there be laid before the house an account of all offices granted in reversion in England, stating the nature of each office, the date of the grant, and the period for which it was granted.—Mr. R

observed, that a return of this nature had been lately made, and therefore that the account need only be called for from the date of the last return. He had no objection, however, to the motion. The motion was then put and carried, without any amendment.—His lordship then moved, "that an account of all offices granted in reversion in Scotland, with the nature of each office, the date of the grant, and the period for which it was granted, should be laid before the house." Ordered. He made a similar motion for Ireland, which was also agreed to.—Lord Henry Petty moved, that there be laid before the house an account of the increase or diminution, between the 1st of Jan. 1805, and the 1st of Jan. 1806, of the salaries, emoluments, and expences of all offices in England. Ordered. He then moved for a similar account with respect to Ireland, which was also ordered.—Lord H. Petty brought down the following message from his majesty: "G. R. His majesty, taking notice that by the act of parliament for allowing an annuity to earl St. Vincent, that annuity is limited to the earl and his two heirs male; and, being desirous that it should be further extended, recommends this object to the consideration of that house." On the motion of lord H. Petty, his majesty's message was ordered to be referred to a committee of the whole house on Thursday next.

[AFFAIRS OF INDIA.] Mr. Francis rose, in compliance with a habit which had of late prevailed in the house, to give notice of a motion which he intended to bring forward. This habit, he observed, which rendered a previous notice necessary when a motion of importance, or one which was likely to meet with opposition, was to be proposed, had certainly not always prevailed there. But however, that he might not be deficient in any point of form, which had been deemed proper by the house, he now gave notice that to-morrow he would move for a paper relative to the finances of the East-India company. This motion would be founded on a question, and it depended on the manner in which that question should be answered, whether or not he should bring it forward at all. In case, however, it should be necessary, he hoped that this would be considered as a sufficient notice.

[LORD ELLENBOROUGH'S SEAT IN THE CABINET.] Mr. Spencer Stanhope rose to give notice of a motion which he intended

to submit to the house on Monday next, relative to the situation which the lord chief justice of the king's bench at present occupied in the cabinet.

Mr. Secretary Fox wished that the hon. member would state more explicitly the nature of his motion.

Mr. S. Stanhope replied, that he had not as yet framed it, so as to be able at present to be more explicit.

[REGIMENTAL COURTS MARTIAL.] The Secretary at War (General Fitzpatrick) observed, that he had last session given notice of a motion respecting the military justice of this kingdom. As this was, in his estimation, a matter of the highest importance, he had always been anxious to have it brought forward as soon as possible. But peculiar circumstances had prevented him from pressing it at the commencement of the present session, as he once intended to have done. At a later period, an event had occurred which rendered it necessary for him to postpone it still farther. Since that event, other circumstances had occurred, which induced him to abstain altogether for the present from urging his proposed motion; for the alteration which had taken place with respect to those by whom the affairs of the army were to be managed, and in his majesty's government in general, afforded well-grounded hopes that the defects of which he complained would be remedied by the executive power. With these sentiments, he thought it would be quite unnecessary for him to make these defects at present the subject of parliamentary investigation. Amendment was undoubtedly requisite in the points to which he intended to have directed the attention of the house; but, for the reasons above stated, he would beg leave to waive his motion.

[SINKING FUND.] Mr. Alderman Curtis rose, and begged to ask a question of the noble lord, whom he then saw in his place, relative to a report which had gone abroad on a very important subject. It was by no means his intention to interfere with, or ask any questions relative to taxes; but he hoped there was nothing improper or irregular in requesting the noble lord to say, whether he had applied to the governor and directors of the bank, for information relative to appropriating a certain portion of the sinking fund towards payment of the interest of the new loan? Such a report was in circulation, and had occasioned considerable alarm and uneasiness

in the public mind. He hoped, therefore, the noble lord would excuse his troubling him for an answer to what he had taken the liberty to ask.

Lord *Henry Petty* said, he was extremely happy in having an opportunity of assuring the worthy alderman, and the public, that there was no foundation whatever for the report he had heard on that subject.

[*IRISH FIRST FRUITS BILL.*] Dr. *Duigenan* rose, pursuant to notice, to move for leave to bring in a bill relative to the first fruits in Ireland, and the regulation of Dr. Boulton's charity. This was a fund which had been left about 50 years ago by Dr. Boulton, archbishop of Armagh, to assist in maintaining the poorer clergy. The fund had of late very much increased. The object of the present bill was merely to enable the trustees in cases where the incomes of curates, &c. were below 100*l.* a year, to raise them to that sum from this fund, as far as it would go. He concluded by moving for leave to bring in a bill to amend the act of the 29th of George II., relative to the first fruits in Ireland, and for the better management of Dr. Boulton's charity. This motion had been made last session, but had from some accidental circumstances been deferred till now.

Mr. *Francis* thought that this might be a very proper motion, but the reason why he now rose, was to suggest to the learned gent. that however unexceptionable the thing might be, it was desirable that he should wait till another gentleman was present, who might wish to attend to this bill through every stage of its progress. This was the practice of the house, and a practice founded not only in decorum but in use too, and might be peculiarly proper in this case, as the hon. gent. alluded to, would in all probability hold a very high situation in Ireland.

Dr. *Duigenan* replied, that he was perfectly disposed to comply with this practice, but on the present occasion it was unnecessary, as the hon. gent. referred to, had last session an opportunity of examining this measure, and had then stated no objection to it.—Leave was then granted.

[*MIDDLESEX ELECTION.*] Mr. *Peter Moore* brought up a petition from certain freeholders of Middlesex, against the return of Mr. Mainwaring, on the ground that he was not properly qualified. The ground of qualification was the only point to which the petition went. A petition

on this ground had before been presented; but at that time Mr. Mainwaring, by the decision of the committee, was not a member of the house, and of course the petition fell to the ground. The object now was to renew this petition. He thought it right to state, that this petition had been put into his hands only about ten minutes previous to the meeting of the house this day, and therefore he could say nothing more about it than that it was presented at the instance of certain gentlemen whom he understood to be freeholders of the county of Middlesex. The house would therefore consider whether it was to be received.

The *Speaker* observed, that if the matter of the petition came within the election laws on the subject, then the hon. member had a right to insist that the petition should lie on the table. If there was any doubt on that point, the passage of the act that bore upon it ought to be read, and then the house might judge upon the case.

Mr. *Perceval* said, that from the first view of the thing he thought it impossible that this petition could be received, as it followed the decision of a committee which had been appointed to try the merit of this election, before which this point might have regularly come. It would have been better to have brought forward this point there instead of going on from time to time harassing the house. He had not had such an opportunity of investigating the point of law on this subject as to enable him to give a positive opinion; but upon principle and analogy he thought it clear that it ought not to be received.

Mr. *Secretary Fox* admitted that his first impression was, that this petition could not be received, but if it was possible to have it deferred till to-morrow, as he understood it was, it might be proper to do so, that the members might have time to consider the peculiar circumstances attaching to this case. The circumstances were these: a petition had been presented against the return of Mr. Mainwaring, as the committee had decided on the return generally, declaring that sir F. Burdett ought to have been returned. The question of qualification could not come here. But a petition had been presented on the part of Mr. Mainwaring, sir F. Burdett had declined defending his seat, and the freeholders had come forward in his place. If sir Francis had persisted in his defence the qualification might have been brought forward, but as the matter stood

there was certainly cause for consideration, in order to remove difficulties, if they existed, and prevent their recurrence for the future. He hoped therefore that the matter would be allowed to stand till to-morrow.

Mr. *Perceval* complained of the manner in which the house had been used in this business. It was evidently the intention of the persons concerned to take the house by surprise, by deferring the presenting of this petition till the last day, and then only putting it into the hands of the hon. gent. a few minutes before the meeting of the house.

Mr. Secretary *For* said, that this affair depended not on the common law, but on a particular statute, and the question was, whether the qualification could have been properly tried till now?

The *Speaker* then read the passage of the act, from which it appeared, that the freeholders who took up the cause in the place of any member, stood, to all intents and purposes, in his situation, so that the qualification might have been tried before.

Mr. Secretary *For* said that his doubts were removed.

Mr. *Mainwaring* contended, that this petition could not be admitted on this ground, namely, that it was a petition to renew a petition that had been presented last session, which was not now renewable; because, in all cases of this nature, such a petition for a renewal must be presented four days after the commencement of the session.

The *Speaker* observed, that the hon. gent. was perfectly correct in his remark. It was the duty of every gentleman who presented a petition, to make himself master of the contents, in order that he might explain them to the house; he therefore requested the hon. gent. would have the goodness to state, whether or not this was a petition for the renewal of a former petition.

Mr. *Moore* replied, that he believed he might take upon himself to say, that it was a petition for the renewal of a former petition.—On which the *Speaker* declared, that the rule of the house was perfectly clear, which rendered any such petition inadmissible.

HOUSE OF LORDS,
Tuesday, February 25.

[*MINUTES.*] Lord Androssan (the earl of Eglintown) was introduced in the usual

form, between the earl of Moira, and lord Keith. His patent of creation having been read at the table, his lordship took the oaths and his seat.—The exchequer bills bill passed through a committee, and was reported.—The New Forest Road bill was read a second time, and committed for Thursday.—Mr. Baldwin brought up a bill for erecting court houses in the West Riding of Yorkshire, which was read a first time.

HOUSE OF COMMONS.

Tuesday, February 25.

[*MINUTES.*] A petition was presented from the debtors confined in the jail of Nottingham, which was ordered to lie on the table.—Mr. Grey, sir A. Piggott, and Mr. H. Addington, and sir C. Pole took the oaths and their seats.—Mr. Eyre presented a petition from the maltsters of Nottingham, complaining of the additional duties imposed upon malt by the act of the 42d of his present majesty. Ordered to lie on the table.—Mr. Johnson from the office of the chief secretary for Ireland, presented at the bar an account of the number of non-resident clergymen, &c. in the dioceses of Ossory and Kilmore. Ordered to lie on the table.—Dr. Duigenan brought in a bill for enforcing the residence of the clergy in Ireland, which was read a first time.—The secretary at war gave notice, that he would on Thursday submit a motion for leave to bring in a bill to indemnify those who had advised his majesty to permit the landing of a certain number of foreign troops in this country. This measure, the right hon. gent. added, was conceived to be the more necessary in consequence of the amount of the German legion, which had been recently so very much recruited on the continent.—Lord Henry Petty moved, “that a committee be appointed to examine and report the amount of the joint charge on the united kingdom of Great Britain and Ireland, between the 1st of Jan. 1801 and the 1st of Jan. 1806, what proportion thereof has been defrayed by Great Britain and Ireland respectively, and what balance remains due from either part of the united kingdom to the other, according to the provisions of the act of the 39th and 40th year of his present majesty, for the union of Great Britain and Ireland; and likewise to consider of and report the best means of ascertaining in future the amount of such balance as may be due from Great

Britain or Ireland, respectively, at the expiration of each year." Ordered.

[**AFFAIRS OF INDIA.**] *Mr. Francis* rose and spoke as follows:—*Mr. Speaker*; I rise, pursuant to notice, to move for the production of a document, which is at once of considerable importance and curiosity; but, as it relates to a subject which appears not to deserve much interest in this house or in the country, it may not excite adequate attention. I well know, by long experience, that India and every question connected with it, has no attraction for parliament or for the public; and that now, as well as on all former occasions, I shall still have to contend with the impatience and disgust of a careless unwilling audience. This alone makes the task too heavy for me, and is more than ought to be imposed on any individual, who has laboured for two-and-twenty years to execute a most invidious as well as important service, without reward, or assistance, or even encouragement from any body. It is not possible for the house to believe, that I can have any satisfaction in such a labour, except from the sense of performing a great and urgent duty, the execution of which, in fact, has been a principal bar to all my views in life as well as a perpetual interruption to my quiet and happiness. So far from having a pleasure in the dry discussion of such subjects, if it were possible for me to command a vote of this house, the first resolution they should pass should be to close my lips, and silence me for ever, on India affairs. The task I have undertaken, and so long pursued, is difficult, is unpleasant to those most interested in it, and, as yet, productive of no benefit to the country; still I will go on.—I will not solicit; but I will advise the house, as they value the interests of India, not to discourage the few, who may yet be disposed to investigate that subject, nor to damp their pursuit by a languid, reluctant attention; by, in fact, slighting their zeal. India is every day becoming more formidable to this country, and every thing that relates to our possessions in that quarter imperiously claims the attention of parliament. The question, which I have now to submit to the consideration of the house, does not refer to war or peace, or to any topic of Indian policy. It is merely a point respecting finance; and perhaps will not be a bad preface to the motion of which an hon. gent. on the bench behind me (*Mr. Paul*) has given notice for this day. Mo-

tions of this nature I conceive to be particularly necessary, in consequence of the irregular manner in which the accounts respecting India have been laid before the house, or rather by the neglect for some time to make any official communication whatever from that quarter. No Indian budget, you will recollect, was produced in the last sessions, and the noble lord (*Castlereagh*) who then presided over the board of controul accounted for that singular omission (nothing similar to which, as I believe, had ever occurred before, since the board of controul was instituted) in this singular way; viz. that the necessary accounts had not arrived from India. This was certainly strange: and I recommend it to the particular attention of his majesty's present ministers. Since the end of March 1803 no statement has been laid before parliament, of the situation of the finances of India. If I were to ask the reason why the necessary and usual accounts were not produced in due time to enable the minister for India to bring forward the India budget for last year, it would not surely be answered, that these accounts were not sent from India in due time; for, any such delay unaccounted for would involve the direct breach of an act of parliament. But if it were said that the dispatches were intercepted; that the ship which carried them was captured, and that thus our financial accounts fell into the hands of the enemy; then another question would arise. It is notorious, that every captain entrusted with the conveyance of public dispatches, receives written official instructions from the secretary's office at each presidency to keep the public dispatches entrusted to him, in a state of preparation; that is, ready slung and loaded with weights to be instantly thrown into the sea from the stern gallery, at any moment when he should see that the capture of his ship by an enemy was unavoidable.—Why were these orders not obeyed? How came those most important dispatches from India, as well as outward bound which were published at Paris, to fall into the hands of the French? How did it happen that our government for many successive months knew nothing of the contents, nor indeed of the state of India but through the medium of the French newspapers, retranslated into ours?—Have the directors made any effective enquiry into the causes and circumstances of this most unfortunate event? I call it unfo-

fortunate only, until I know that it was owing to some negligence, which of itself would be criminal, without supposing a worse motive.—The subject of the motion, which I am now about to make, is not, or rather ought not to be, new to this house. I have mentioned it repeatedly, but without success, or being able to obtain the least explanation concerning it. And how should it be otherwise, when, as the noble lord well knows, his interest, which was considerable, and mine put together, could never obtain an audience of more than fifteen or twenty members to his India budgets; and that, towards the close of those debates, we were generally left to ourselves, with the chairman of the committee.—This supineness on the subject of India, has already produced the worst consequences as to India; and if another course be not adopted, I am sure will be the cause of serious distress, and probably more than distress, to this country. On the 21st of Jan. 1865, (see vol. iii. p. 50.) I stated to the house, that a sum of money equal to 352,000*l.* had been lately charged in the disbursements of the presidency of Bombay, with no other explanation than these words: "*Lent to the Guicowar.*"—The house ought to know two things;—that the several presidencies in India are generally in distress for money, and constantly employed to raise it by every possible expedient; and that Bombay is the poorest and the most distressed of them all. In these circumstances, they profess to have lent an enormous sum of the company's money to this tributary prince. To save the time of the house, I beg leave to read, what I before said, and which has been some time in print on this subject, as a part of my speech: "In the country of Guzerat, to the north-west of Bombay, there is a Prince called Guicowar; a part of his territory has been ceded to the company, partly to make good the pay of our subsidiary force stationed at Poona, and for other objects of indemnification. Out of that fund we ought to have received a considerable revenue; but to that prince the government of Bombay have lent a sum not much less than 350,000*l.* The documents relative to this extraordinary transaction, I think, ought to have been laid before the house, under the orders already given; which would save time and trouble; if not, it must be the subject of a particular motion." I think it is natural

to ask on what ground, and for what reason, this loan was made. In the printed papers, I cannot find any thing to throw a ray of light on the subject. The company take possession of the territory of Guicowar, they hold it in his name, and the first thing done is to lend him 352,000*l.* Why, on the very face of the transaction there is something which calls for explanation. The words of the official dispatch from Bombay relative to this prince and territory, were these—"This state has for its present native ruler a chief-tain of avowedly weak intellects. Our support therefore must be extended to all the operations of its government; holding as we do, the immediate charge of the Guicowar chief-tain's own guard, and dividing with his troops the garrison of his capital."—Does any man believe that the Guicowar ever received a shilling of this loan? If there be really such a man, I shall only say, that that man knows nothing of the politics of India.—The hon. gent. concluded with moving, that there be laid before the house "extracts of any letters or accounts received from the presidency of Bombay, relative to the sum of Bombay rupees, 31,25,944, inserted in the account of their disbursements for the year ending the 30th April, 1863, and said to be money lent to Guicowar."

Mr. Hiley Addington said, that had he been a member of the house yesterday when the notice of this motion was given, he would have taken the liberty of asking the hon. gent. to postpone bringing it forward, until the board to which he had the honour to belong should have an opportunity of considering the subject, and of enquiring into the nature of the papers connected with it. This indulgence he hoped the hon. mover would not be disinclined to grant to a board so recently appointed. The application would not, he trusted, be deemed unreasonable, when the nature of the business connected with their office was taken into view; when it was considered that it might be necessary to look over a number of papers which the noble lord on the other side (lord Castlereagh) knew to be pretty voluminous, before an opinion could be formed, whether it would be consistent with the public interest to accede to the object of this motion. As the grant of this paper was not so very pressing in its nature, he hoped the hon. gent. would have no objections to post-

pone it for a day or two; and he assured the hon. gent. that, in the mean time, the subject to which his motion referred should be carefully enquired into.

Lord Castlereagh said, he was as ready as any man to acknowledge the debt of gratitude which parliament and the country owed to the hon. mover, for the zeal and assiduity which he had uniformly manifested upon the important subject of our interests in India; and he perfectly concurred with that hon. gent. that it was essentially necessary the house should apply itself to the attentive consideration of those great interests. But, in order to enter into that consideration, every part of the subject should be laid before the house. The whole of the question should be completely understood. With respect to the assertion, that the India budget not having been brought forward last sessions was an unprecedented omission, he begged leave to set the hon. gent. right; for precisely the same omission occurred the first year he was president of the board of controul. But as to the cause of the last omission, of which the hon. gent. had complained, it was known to have proceeded from the delay of the accounts from India, which were indispensably necessary to the preparation of the budget; and the same cause occasioned the omission which took place before he entered into office. As to the motion before the house, he saw no objection to the production of the paper referred to; but it was for the right hon. gent. (Mr. H. Addington) and his colleagues to exercise their own discretion. When that paper should be laid before the house, and the transaction to which it alluded should be fully understood, the impression on his mind was, that the hon. mover would find the loan not to have been improvidently advanced; that it was not money lent without a just motive, or without ample security; but, on the contrary, that land was assigned to the company to ensure the repayment of this loan, and that that land was placed under the company's own administration. On the whole, the noble lord had no doubt it would appear, that the advance to this prince was a proceeding which stood upon the best principles of policy, that it was perfectly justifiable, and that no loss whatever was likely to accrue from it. To the hon. mover's allusion, in the style of complaint, to the absence of the directors on this discussion, he should only say, that being

this day engaged in attendance at a general court, which, as to-morrow was a holiday, no doubt presented an increase of business, their absence from the house was at least excusable.

Lord Morpeth joined in the request his right hon. colleague (Mr. H. Addington), that the hon. mover would defer his motion for a few days.

Mr. Francis said, he had no thought whatever of attaching blame to, or occasioning any inconvenience to those who now directed the board of controul. He brought forward this motion before the house, in compliance with a notice which he had given so early as the last session. With the request made to him by the noble lord who had last spoken and his right hon. colleague, he had no difficulty in complying; but he wished to learn, whether the noble lord would be able to ascertain the propriety of acceding to the motion which he had felt it his duty to bring forward. He also would be glad to hear when the India budget, which was omitted last year, was likely to be brought forward.

Lord Morpeth assured the hon. gent. that no time would be lost in enquiring into the subject to which his motion referred. With regard to the India budget, he stated it to be his intention, on the next meeting of the house, to move for the production of the accounts necessary to the bringing forward the budget of last year. How long these accounts might be preparing he could not pretend to say.

Mr. Charles Grant said, he had not been in the house when the motion was made. He regretted that the attendance on duty in another place, deprived him of the advantage of hearing the observations of the hon. gent. who introduced it. By the information he could collect on the subject, he thought that there would be no objection to comply with it. He was sure it was the wish of the court of directors that every information in their power should be given. At the same time, he felt it an important consideration, to ascertain how far it might be consistent with the general interests of the company to have their accounts called for on every occasion.—Mr. Francis then, with the permission of the house, withdrew his motion.

[AFFAIRS OF INDIA.] Mr. Paull rose and spoke as follows:—Sir, in 1782 India could not be mentioned without filling the benches of both sides of the house

but I believe almost the last time lord Melville addressed this house on the affairs of India, he congratulated himself (in 1800) that circumstances were so changed, and the public opinion and that of the house so favourable, that to its most important affairs he could hardly bring down sufficient members to form a house. On such confidence and change of circumstances he congratulated the country. In such congratulation, I, sir, cannot possibly join; for to such confidence, and to the system pursued for 23 years past, I attribute the growth of an enemy more formidable to the happiness and prosperity of England, than the flotilla that menaces our shores from the coast of France. Sensible of the danger which few seem to be aware of, in the first week of the present session, I gave notice of my intention to bring before the house a subject which, whether considered in a political, in a commercial, or in a financial point of view, was second to none that could occupy the attention of parliament; and, as a ground for future procedure, I moved for a letter from lord Melville to the chairman of the court of directors, which has not yet been laid before the house. With the death of that truly great, illustrious, and ever-to-be-lamented character, the marquis Cornwallis, I believed, and still believe, the sun of Great Britain set in India; that with him perished the last hopes of the country, for rendering India an aid instead of a burthen to the mother country: at all events, his death stimulated me still more strongly to persevere in the line of conduct I had imposed upon myself; and, feeling that delay was most injurious to the best interests of the country, I, on a subsequent day, gave notice of my intention of moving for a select committee, to enquire into the truly alarming state of the company's India debt, and into the causes of the disappointment of the just expectations of the public, and the total and entire failure of every term, condition, and stipulation for which they obtained their charter. That such a discussion has not yet taken place, cannot with any justice be attributed to me. It has arisen from the state of the country, the state of the times, the state of the house, the want of a ministry, and especially from the absence of the members of the board of controul.—I am this night, preparatory to my intended motion, to move for some official returns, which will however occupy little time in

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the preparation and production, and still less in reading; for, I believe, that six of the eight returns I shall call for, will be answered by six simple negatives; negatives, however, that will prove several gross violations of the law and high breaches of duty.—It will not be considered the least extraordinary of the circumstances of the present times, that lord Melville, who is now under impeachment for a violation of the law, and a high breach of duty, should, in 1793, have brought in a bill for the most important purposes, and drawn up with a care, precision, and solemnity proportionate to the importance of the subject, a bill holding out great political, commercial, and financial advantages; a bill to guard the happiness and prosperity of 40 millions of subjects, and to controul an expenditure of upwards of 230 millions; and that, while he is under impeachment, his act has been violated in every section, except one, where “the breach would have been more honorable than the observance.” A misappropriation of the public money has taken place to an amount exceeding 20 millions sterling, and the violators of the law have hitherto escaped without censure or notice.—By the act of 1793, after the payment of the military and civil establishment, the act enjoins that a sum not less than one million of pounds sterling shall be applied for commercial purposes, and remitted to Great Britain, to form a part of its national wealth. Since 1798, no sum whatever has been applied to commercial purposes, and the law has been violated in this single instance to a sum exceeding 8 millions. To this extent, and to this amount has this commercial nation been deprived of such an import from our colonies, which the law ordered and enjoined. By the 109th clause of the same act, the law provides, that the governor-general, to reduce the India debt of the company, which was considered as the most formidable enemy to its happiness and prosperity, and which amounted in 1793 to 7 millions, should draw for a sum amounting in each year to 500,000 £, which was to be applied to no other purpose, to no other account whatever, except to the reduction of the debt. Eight millions have been drawn from, and not one shilling has been applied to the purpose ordered and enjoined by the act of parliament. Bullion has been exported to the amount also of 8 millions, for the same purpose, and no part of the amount has been applied

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towards the overthrow of an enemy, considered by every person, conversant in the affairs of India, as fatal to the prosperity of India and England.—By the 111th section of the act, after payment of the said sum of 500,000 *l.* to be drawn for the reduction of the debt, which was to be reduced to two millions of pounds sterling, the law allows of a dividend of ten per cent. per annum to the proprietors of East-India stock. This part of the act, and this part only, has been complied with; and I maintain, that this ought only to have been the case had funds been remitted from India from the surplus revenues of India. Now, sir, no such thing has been the case. These dividends, sir, to the amount of 600,000 *l.* yearly, have been paid from property provided in India, with money borrowed at an enormous rate of interest in the first instance, saddled with an enormous commission in the next, to the commercial servants of the company; and the sales of this property which had to pay the principal borrowed in India, the interest of 12 per cent. at the lowest, a commission of 10 per cent. to those that provided the investment, and a dividend of 10 per cent. to the proprietor, have, I am ready to substantiate, invariably produced a considerable loss. But, sir, the payment of these dividends, for which the public must ultimately be answerable, ought not to have been paid from any funds except the profits arising from investments provided with the surplus revenues of India, and not payments from funds borrowed in India, and which have tended to increase the debt to 30 millions, instead of 2 millions enjoined by the law, has been a violation of the same, a high breach of duty, and has tended amongst other causes, and in no inconsiderable degree, to produce the state of embarrassment so much to be deplored, and tended not only to deprive the public of their just but small participation, but will in the end saddle them with a debt, which never now can be paid by the India company within the period of their charter. After the payment of this dividend, the law provides, that the East-India company, in addition to the million of wealth to be yearly imported into Great Britain, which I maintain can be considered in no other light than as an income from an estate belonging to the nation, the East-India company stipulate and agree to pay into his majesty's exchequer, in half-yearly payments, as profits,

or direct advantage, a participation of 500,000 *l.* to the public in each year; but, if a failure takes place, it is to be carried as a balance to the succeeding year, and may be levied by a suit at law, with a penalty of 15 per cent. for each failure. No payment, sir, has been made, I believe, except in the first year; and the balance now due to the public amounts to nearly 7 millions of pounds sterling; but which, with interest and penalty, would produce a sum sufficient to the purchase of upwards of 35 millions of the capital of the debt of Great Britain.—The 115th clause provides, that the surplus funds of the company shall be laid out in stock, until the same shall amount to 12 millions of pounds sterling, which is to be placed from time to time in the bank of England, there to remain as a guarantee fund for the amount of their capital stock: and by the 116th clause, the governor and company of the bank of England are ordered and required to produce the account of such stock, and lay the same before both houses of parliament on the 15th of Feb. in each year if the parliament be then sitting, or within 14 days after the commencement of the then next session. No such returns have been made, and the public are yet to learn what stock has been purchased, and whether or not the capital of the company, at the expiration of the charter, is to be without the guarantee so solemnly stipulated for by the act of parliament: and by the 121st section of the act, it is ordered and enjoined, that, if the directors shall be unable to make good such payments to the public, they shall make representation of such inability to the chancellor of the exchequer, or the lords commissioners, who are empowered to issue an order, suspending such payments; but are required to come within 14 days to parliament, to produce such representation and order, and evidently to obtain the sanction and approbation of parliament. Here again, sir, the law, I believe, has been grossly violated. Had such yearly representation been made, as the law required, long since this, I am satisfied, the house and the public would have found themselves compelled to revise a bargain, thus rendered nugatory, violated, and broken in all parts. To enable gentlemen to meet the great question, I am this night to move documents to prove the allegations I have now made; and I hope to this question gentlemen will come with unbiassed minds.

and not shut their eyes to conviction, merely because the question is Indian, and because it is brought forward by a man new to this house and the public. The affairs of India must now force themselves on this house, however the evil hour may be delayed, and an attack on the purses of the people of Great Britain, and a certainty that, after a waste of much blood and much treasure, they will still be called upon perhaps to pay, certainly to guarantee, a debt of 45 millions sterling. These considerations will demand an attention, that the cries of millions, and the devastation of defenceless provinces, have been unable to effect.—I therefore move: "1. That there be laid before this house, an account of all the sums of money which have been paid by the East-India company into his majesty's exchequer, in obedience to the 111th section of the 33d of the king, c. 52.—2. A copy of all the representations which have been made to the lords of the treasury, in obedience to the 131st section of the said act.—3. A copy of all the orders which have been given by the lords of the treasury, for the suspension of the payments of the money due from the East-India company to the public, in obedience to the same section.—4. A copy of all the orders and representations as aforesaid, which have been made by the commissioners of the treasury to parliament, in conformity to the same section of the act.—5. An account of all the stock purchased towards the guarantee fund of the company, limited by the 114th section of the act to 12 millions sterling.—6. The yearly accounts of such stock, and of its appropriation, which, by the 116th section aforesaid, the governor and company of the bank of England are required to lay before both houses of parliament, on or before the 15th of Feb. in each year; and if parliament shall not then be sitting, within 14 days after the commencement of the session of parliament.—7. An account of all bills of exchange drawn upon the court of directors from 1793 to the latest period; specifying the amount from each presidency, and the sum total in each year.—8. An account of the value of specie and bullion exported within the same period to Bengal, Madras, and Bombay; specifying the amount in each year, and any sums re-exported from Madras and Bombay to Fort William, in consequence of any orders from the governor-general of India.—9. A copy of all

applications made by the governor-general in council to the chief supercargoes at Canton for pecuniary aid, with the answers or returns made to such applications from 1798 to the last accounts from that factory."

Lord Castlereagh hoped the house would excuse him if, having been trusted with an important office in the administration of India, he felt that he could not sit silent, after the observations which had been made by the hon. member who spoke last. It appeared to him, that the hon. gent. had either misconceived the act he alluded to, or else he must have read it very hastily, as he had blended together the territorial and the commercial revenues, which should be considered as distinct things. As to the sending of bullion to India in payment for its colonial produce, whatever prejudice there might once have existed against exporting bullion, in modern times it was considered as an article of commerce, which might be exported without danger in its consequences. The hon. gent. had blended together many other considerations, which ought to have been kept distinct. He had not distinguished the debt and the assets abroad or at home, nor taken notice of that intermediate measure, the arrangement for the transfer of part of the Indian debt to this country. As to the act of appropriation, the only way that the house did, or could in common sense have ordered the appropriation was, that, in case of a surplus, there should be set apart, in the first place, a sum for the military expenses; in the next place, for the civil and commercial affairs; and then, that the remainder should come over in investments. The hon. gent. was much mistaken, if he thought that a single enactment would be sufficient to allow the country to participate to the amount of the half million stated. Unless there was a surplus for such sum to come out of it, it would be impossible that it should be paid. When there was no surplus, it was also impossible that annual accounts should be laid before the house of an appropriation of a surplus. The hon. gent. seemed to be in a mistake throughout the whole of his speech, in only considering the surplus of territorial revenue, instead of the net proceeds arising from the commercial transactions of the East-India company, combined with their territorial revenue. The guarantee fund which he mentioned, was only to be created after the debt should be re-

duced to two millions.—As to the superintendence of the board of controul, the noble lord said, it had in fact been confined, as the law directed, to the civil and military government and revenues of India. As to the commercial interests and concerns of the company, and their exclusive right to conduct their trade, and to instruct their presidencies concerning the provision of their investment, and on every subject connected with this part of their charter, the court of directors had been left to their own unbiassed discretion; and the board of controul had never interfered with them, much less had it ever thrown any impediment or embarrassment in their way.—In the present state of the finances of the East-India company, it must be recollected, that the last two or three years, and since the commencement of the Mahratta war, have been the times of the severest pressure. Up to the month of April 1803, he had frequently stated to the house, that the financial situation of India was a situation of great prosperity, affluence, and abundance, and such as justified the expectation which had been so long entertained of this country participating in the prosperity of the company. He should not speak either of what might be the financial pressure at the present moment, nor of the means that the company had of surmounting this pressure; but he thought it would be impossible for gentlemen to form a right judgment of the present state of Indian affairs, until the accounts of the years 1803 and 1804 were before the house. He concluded by asserting that, if it had not been that the subsequent expences of the war had disturbed unexpectedly the prosperity which prevailed in 1803, the statements he had made would have been realized.

Mr. Fuller could not think with the hon. mover, that the sun of Britain had set at the death of the marquis Cornwallis. He did not despond so. Men of talent could always be found for the service of the country. This led him to suggest to his majesty's ministers, whether something ought not to be done for admiral Cornwallis, the brother of that great man, who had distinguished himself so much by his blockade of the enemy in Brest.

Lord Folkestone.—Mr. Speaker, the noble lord (Castlereagh) in the latter part of his speech, has chosen to advise the hon. gent. who made this motion, to confine his enquiries about the finances of the East-

India company to the period of the two last years; and he says, that it will be best for his own purpose to do so. I do not know what purpose the noble lord imputes to the hon. gent., but I know with what view I shall support the motion he has made. I wish the whole state of the affairs of the company to be fully and completely examined, and the true condition of them to be made known to the house and to the country; and, for this reason, I hope the hon. gent. will not follow the advice of the noble lord, but will persevere in his intention of enquiring into the management of these affairs during the whole period of the existence of their charter.—Sir, the noble lord has further imputed to the hon. gent. a careless and negligent perusal of the act by which this charter was granted; and accuses him of not understanding it. Undoubtedly this act is very long one, and in some parts a little confused and unintelligible, particularly to those who are not acquainted with the local circumstances of India; but the purport of the act to which alone the motions of the hon. gent. apply, are so plain, that I think it can be necessary for a gentleman to do nothing but read them, to be persuaded of the truth of what the hon. gent. has stated, that the provisions have been violated in almost every particular. But the noble lord says, the act provides for the appropriation of the surplus, if any but could never mean to enact, nor could even be construed to mean to enact, that there should be a surplus. I conceive, sir, very differently. I confess I look upon this act as an agreement and bargain, between the company of merchants trading to the East Indies and the government of Great Britain. The government, for the public, gave to that company the exclusive right of trading to that part of the world; they surrender the right of the public to participate in the advantages of this trade; and, in return, require certain things from the hands of this privileged company. Their remuneration, to be sure, is small enough. In return for the advantage and profit of an exclusive trade, the public ask for nothing but an annual payment of 500,000. But surely, sir, that is as much a contract as can be entered into; and, if the terms of the agreement are not fulfilled on either side, the contract is at an end. Now, what is it that the law requires of the company, in return for the advantages conceded to them; how is the money arising

from this lucrative trade appropriated? In the first place, the act provides, that the military and civil establishments in India should be defrayed from the profits of the territorial revenues of the company; and then, that a sum, not less than a million of money, should be set apart for the purpose of purchasing goods to bring to Europe, or, to use the words of the act, for providing an investment. The noble lord may perhaps say here, that no man could suppose that a law would be passed requiring that there should be such profits. But, when two parties enter into an agreement, and one takes great exclusive advantages, and promises to do certain acts, I should be glad to know, whether the non-performance of these acts is not a termination of the contract altogether. The company take the advantages offered—they take the profits; the act gives them up this; and then says, they shall do so and so with them: are they to continue to enjoy these rights and advantages without performing what the act requires? Well, sir, this investment, so purchased, is to be brought home and sold for the benefit of the company, and the profits arising from the sale are to be disposed of, 1st, in paying the dividends; 2d, in honouring bills of exchange to the amount of 500,000 *l.*; and, 3dly, to paying 500,000*l.* more into the exchequer, for the benefit of the state. Now, sir, there is a curious question arising here, and I am inclined myself to lay great stress on the argument of the hon. mover; viz. that, if this investment is really not purchased with money arising from the territorial revenues, after the expences of the civil and military establishments have been provided for, the dividends really ought not to be paid; for the act only allows them to be paid out of the profits arising from the sale of investments so purchased. However, be this as it may, the other appropriations of the said proceeds of the sale of investments have never been complied with, at least as far as the public is concerned. Except in one instance only, no payment has been made to the exchequer; and, as I contend this act must be considered as an actual agreement, and this payment as a remuneration to the public for the advantages they had foregone, I must think, that the charter has been forfeited altogether. It is true, indeed, that, in a subsequent clause, the act admits the possibility of such payment not being made, but it provides a regular manner,

by which it shall be dispensed with, and the parliament made acquainted with it.—Has this mode ever been adopted? Has parliament ever been informed? No, sir; the act here again, has been over and over again broken and violated.—The motions now before the house, are calculated to ascertain and to inform us of the extent of such violations of the act.—I think it is highly desirable they should be known, and therefore I shall certainly support them.

Lord Castlereagh said, he had not wished to confine the enquiry to the two last years; on the contrary, he had stated that he was ready to prove, that the finances of the India company were in a flourishing state at the time he brought forward the last budget.

Mr. Francis.—Mr. Speaker; since I have had the honour of a seat in this house, I have heard many extraordinary propositions stated and argued on, as if they could not be disputed; but, in my whole parliamentary life, none more extraordinary than some, which have escaped the noble lord this night. I shall state them briefly as they occur to me, and while they are fresh in my memory; observing only, that we are not talking now of the political government of India, or of the wars in that country, or of any question or subject in which the policy of England in regard to the territorial possessions is concerned. The noble lord asserts that the superintendence of the board of controul has in fact been confined, as the law directs, to the civil and military government and revenues of India. As to the commercial interests and concerns of the company, and their exclusive right to conduct their trade, and to instruct their presidencies concerning the provision of their investment and on every subject connected with this part of their charter, on all these points the noble lord affirms that the court of directors has been left to their own unbiassed discretion; the board of controul had never interfered with them; much less had it ever thrown any impediment or embarrassment in their way. Is this the fact? If it be, I call on the directors to confirm it; if not, to tell us the real state of the case. Have the commissioners never interfered with their trade, or with their lawful discretion over their own proper concerns? I think I remember some strong instances of the contrary. What part did the commissioners take in the great question between the

company and the private traders? Was it a political or a commercial question, when their secretary (Mr. Broderick) informed the directors "that it would be unnecessary to send out any paragraphs, the tendency of which might be to occasion uneasiness in the mind of the governor-general?"* I am sure that various other facts of the same kind might be produced, though I cannot immediately recollect them. The second proposition asserted was, that the exportation of bullion to India (for observe we are not speaking of China), was no disadvantage to the company or to this country;—that bullion was just as much an article of export as any other commodity; and that, whether they exported that, or an equal value in manufactures, was just the same thing in a commercial sense. In a nation over-run with paper as we are, this is, at first sight, a strange proposition. The export accounts for the scarcity of specie, and that scarcity accounts for the abundance of the paper. But, is the proposition true in a commercial sense? Has the noble lord never heard of the balance of trade between one country and another? Certainly I do not pretend to much knowledge on these subjects: but, I have read a good deal, and I appeal to all the written authorities and more especially to the merchants of England on this question—Whether a nation, that constantly pays its commercial balance in specie, is not universally understood

to be the loser by that commerce? In former times, we never exported an ounce of silver to India. The investment for a long period was annually supplied out of resources of one kind or other on the spot; for several years, out of the surplus of the territorial revenues. While those latter resources lasted, the company obtained their investments for nothing. It was the only possible course, by which a tribute could be remitted from Bengal to England. Those supplies have been gradually exhausted. But they have left behind them the habits and the consequences of an unnatural precarious abundance: I mean expensive establishments, and extravagant habits.—The result, as I am informed by persons who understand this subject much better than I do, and as I firmly believe to be true, is that the company are considerable losers on the prime cost of their Indian investment, including all charges. What the consequence has been, or is likely to be to the state of the company's affairs at home, I need not argue at present. It will speak for itself when the directors apply, as I believe they will do, for relief and assistance from the public.—It will then be a national question in this house, to what degree the property of the public shall be applied to support the instant demands and necessities of the India company. On that day, they shall find me, what I have been through life, their real friend; not hired; not paid; not thanked by them; but, serving them to the utmost of my ability in spite of their blindness to their own true interests, and in spite of their ingratitude towards me. But, to do this, one condition is indispensable, viz. that a full and clear account of the state of their affairs commercial and financial, shall previously be laid before this house. I will maintain their dividend if it be possible, because I well know the distresses and sorrows to the innocent proprietor, that would attend reduction of it. I do not now mean to blame the directors, and much less the body of proprietors, who, in fact, are the company, for many things, which have been done of late years. The company have been the victims, not the authors of the system, which has been followed. The principal point, on which I question the conduct of the court of directors is, that from the renewal of the charter in 1799 to this hour, and while they have seen their property running from year to year to ruin

* On the 26th of March 1802, the chairman acquainted the court, that Mr. Broderick had sent to him, by order of the board of controul, certain drafts (viz. of orders to be transmitted to India)—that he had laid those papers before the special committee, who had made a report thereupon, of which the following is an extract:—"The committee feel themselves constrained to report to the court as their opinion, &c. that the letter received this morning from the board, together with the two commercial paragraphs to be transmitted to India, when taken altogether, demonstrate a decided and unequivocal intention of invading and destroying the commercial rights and privileges of the East-India company. Still, however, flattering themselves that those rights, solemnly and deliberately granted to them by the legislature, will not be forcibly superseded or destroyed. Resolved unanimously, that this court approve the said report." Another letter of Mr. Broderick, alluded to by the hon. gent. contains the following passage, on a subject purely commercial:—"Under the present circumstances, they (the board of controul) conceive that it would be unnecessary to send out any paragraphs, the tendency of which might be to occasion uneasiness in the mind of the governor-general. Dated 21st July, 1801."

they have never brought forward a state of their affairs as they ought to have done, by petition to this house, or by any public parliamentary remonstrance against an over-ruling power, if they were over-ruled. Have they ever in any instance appealed to the king in council against the board of controul? To this objection it is no answer to say, though in fact it might be true, that they are not free agents. When the first attempt to deprive them of their free-agency was made, then was their time to resist, or to remonstrate:—not by secret conferences with the members of the board of controul, but by appeal to the wisdom and justice of parliament, or by some other public and honourable proceeding. A preconceived harmony between the two powers, one of which is to originate all the acts of Indian government, and the other, to controul and correct them, if necessary, was not and could not be the parliamentary object of the institution of the superintending power. Otherwise, the board of controul ought to govern in the first instance by its own acts. I do not mean to defend the system: but, I say, the system, bad as it is, is infinitely better than the practice. This pretended harmony, I believe, will be found, upon examination, to be nothing more or nothing better than a good understanding between the president on one side, and a secret committee of directors on the other. The court of directors, as such, know little or nothing of what is going forward between those two parties: certainly not, in any thing that concerns the political government of India. —Once more the noble lord resorts this night, as he has often done before, to his old friend and never-failing associate, the Marhatta war. This war, in his lordship's contemplation, is, like death, I suppose, a cure for all things. If nothing else will do, it furnishes an inexhaustible source of relief to his own noble mind, when any Indian difficulty is to be discarded. He forgets that, in his speech of the 19th of July 1804, he has already most solemnly assured this house, and the public too in print, that the ten years ending in March 1803 was a period of nearly uninterrupted war, and that the Marhatta war, the merits of which are not, and cannot be, in question in this debate, did not commence until August 1803, consequently has no connection with, nor can, on any rational ground of argument, be pleaded, to account for, that state of India and of the

company's affairs, which is up to this day officially known to the house of commons. Admitting the Marhatta war to be a merit or a remedy, and not at all a disorder, it is not in the power of human wit to connect it with the case in hand. The accounts actually before parliament, reach no farther than to April 1803, and at that period the company owed twenty millions in India, to say nothing of their immediate debts and difficulties at home, which even then were intolerable. As to the general allegation of uninterrupted war, to account for the debts incurred, and the total failure of all the pecuniary engagements, contracted with and for the public, and in behalf of the company too, I say that the plea would not be a good one, if it were true. But I deny the fact. The war, which preceded 1803, will not account for the consequences imputed to it. The noble lord knows that I have maintained this opinion in another form; and as I think with arguments, which I may defy him or any man to answer. [This refers to Mr. Francis's "Observations on lord Castlereagh's speech", printed in 1805.] The next assertion of the noble lord is eminent indeed, even among the prodigies of his own speech. He solemnly assures the house that, in April 1803, (in reference to the finances and pecuniary resources of the company) the state of their affairs was prosperous, affluent, and abundant. These were his words. Now, there are only two ways in which such an assertion, on such a subject, can be true, positively, or comparatively. The noble lord may take his choice. On the 30th of April 1803, the India debt is stated to you, by the directors and by himself, to have amounted to 19,800,000*l.* and all the Indian estimates for the ensuing year take credit for expected receipts to an enormous amount, external to the proper resources of each presidency within itself, that is, to be derived from new loans, from draughts on the company, and from bullion expected to be received from England. On the 1st of March 1803, their bond debt in England amounted to about 1,750,000*l.* Their debt to the bank was then 700,000*l.* and even that loan could not have been obtained without a mortgage of their annuities, which they were empowered to sell. In order to exhibit a favourable balance on the face of their stock account, the directors were reduced to the necessity of leaving the capital of the company, for which the corporate body

had received 7,780,000*l.* from the subscribers, totally out of the state of their debts. For this omission, it is true, they pleaded an order of the house of commons, when official orders were moved for without notice, and granted as a matter of course. Such is the evidence of the noble lord's assertion taken positively; and without saying any thing of the reasonable and obvious conclusion to be drawn from it, viz. that the India company must have been then in a condition to begin to liquidate their engagements, or, at least so much at their ease, that they would want no assistance from the public. Now is that the case? Just the reverse. Their Indian debt, instead of being reduced in the last three years as it ought, if the means were so very abundant in March 1803, I am sure will be found to amount 30,000,000 more or less, I mean on this day. As to the application of this boasted abundance of means and assets to the relief of the company's difficulties in England, I will not anticipate what the court of directors will soon be compelled to tell you on that subject. But perhaps his lordship means that the prosperity and abundance, he alludes to, are to be understood comparatively. Comparatively! with what? why with the state of the company's affairs in the three succeeding years, of which no account has yet been laid before parliament, and of which this house literally knows nothing, except the happy information which they have just now received from himself. In April 1803, the company were nearly overwhelmed with debts and difficulties of every kind; but that, he assures you, was a state of affluence, prosperity, and abundance, compared to the present state of facts, as you are to find it in the accounts of the next three years, whenever they are produced! Then indeed, but not till then, the noble lord may call in the Marhatta war to his assistance. We shall see how far it will avail him. In the mean time, he supplies us with topics of consolation; with which if we are not thoroughly comforted, it must be very much our own fault. Your situation was bad enough three years ago; but that was a state of delight and enjoyment compared to what, he solemnly assures you, you will find to be at present! That is, you were troubled with a plethora in 1803. By copious bleeding and a free use of drastic medicines, those symptoms are removed. Your complaint has taken a different turn. All you want now is a

powerful restorative, at the expence of those whom it concerns, to save your life.—I have said, sir, and I affirm it again, because it is true, that I have been, through all my political life, the sincere friend, as I was, for some years, the faithful servant of the India company; that is, the proprietary or body corporate, though not always in their sense of their real interest; which, in my opinion, they have sometimes misunderstood. Of this disposition and conduct I shall give one instance, which, as far as concerns my sincerity, ought not to be disputed, because I could not but know that the opinion I allude to was not at all likely to be favourably received, and because I might easily have withheld it. I endeavoured to serve them then, as I have done in other cases, and in another situation, against their will. So long ago as the year 1777, I represented to his majesty's ministers, and through them to the India company, in a letter which has been published, the evil consequences, which as I thought, must follow, not only to India but to the company itself, from their continuing to hold the sovereignty of Bengal ostensibly in their hands. It happened, sir, that, in the whole of that representation, I had not only the entire concurrence but the able assistance of the present chairman of the court of directors. In those days we lived together on terms of real friendship and unreserved confidence, which, at that time, he thought no disparagement to him. When the charter was renewed in 1793, as well as on various other occasions, I renewed my arguments and objections on this point. All the documents, that relate to it, are in print. The arguments were never answered; nor, in my judgment, is it possible to answer them. In 1793, and for many years before, their sovereignty, or their political power over the Indian empire, was little more than nominal; nor could it be otherwise. Well what has been the result? Exactly what they ought to have foreseen. When they determined to be sovereigns instead of merchants, or to unite in the company those two incompatible characters, what could they expect but, whether they liked it or not, to be made warriors and conquerors? that is, that their pretended servants in India, over whom they had no controul nor real authority, would pursue the old game of war and conquest in their name, at their expence, and finally to their destruction. Look at this

sult in another point of view; and, if it be not too late, learn wisdom at last from the awful lesson, which the state of your commercial connexions with the eastern world ought to have taught you long ago. In that part of Asia, in which the India company has been a sovereign, a warrior, and a conqueror, they cannot trade without loss. The sale of their Indian investment, to say the best of it, after paying prime cost, interest, freight, insurance, duties, and charges of merchandise, leaves no profit. Now look at China, where they have no territorial revenues; where they have made no war; and where, I hope, even for their own sake, they will never make a conquest. With that country only, they carry on a beneficial trade. From that trade only, they derive the only profits that enable them still to exist in Leadenhall street.

Lord Castlereagh, in explanation, stated that his sentiments as to the prosperous state of the company's affairs in the year 1803, were founded on the fact of there being a clear surplus of 1,150,000*l.* after the payment of all charges in India. The reason why the public did not receive the 300,000*l.* on this occasion was, that this sum was payable, not from the Indian funds of the company, nor from the home funds, but from a combination of both. An increased duty laid on teas had produced a diminution in the sale of that article in that year, which, instead of so great a surplus, left a defalcation of half a million, and thus the claim of the public was destroyed.

Mr. Charles Grant.—This discussion, sir, has unexpectedly branched out into a variety of topics of great importance, for which I must regret that I am not better prepared. Some observations however, particularly on what has fallen from the hon. gent. (Mr. Francis) I shall beg leave to offer to the house.—The hon. gent. has stated it as his opinion, that the company would have done well to have relinquished the sovereignty of their territorial possessions, and to have confined themselves to commercial pursuits; for that they have, in fact, been ruined by those acquisitions: sir, I differ very widely from the hon. gent. on these points, and think the doctrine he has advanced, respecting the political government of India, a very dangerous one. I consider the East-India company as the best organ by which this country can beneficially manage and govern its empire in

the east. It is the fittest for securing the possession of that distant dependency to Great Britain, and for securing it without any danger to our own constitution. If the government of India were to be vested immediately in the crown, I scruple not to express my apprehension, that the consequences of such an arrangement would be finally the loss of that country; and if the patronage of India were in the disposal of the crown, our own constitution might be overset; whereas that patronage, in the hands of a numerous body belonging to the middle classes of society, can be attended with no political danger. And here, sir, I cannot refrain from taking the liberty to exhort those distinguished persons who are high in his majesty's counsels, to be extremely cautious of encouraging any idea of altering the constitution which the law has established for British India. After a long acquaintance with that country, I feel myself warranted to say, that no other constitution would be so beneficial or so safe for it. The Indian empire was originally acquired, preserved, and maintained by the company, at their own hazard and with little assistance from the state; and they have since managed it more for the benefit of both countries than for their own; for they derive nothing but their dividend from all their vast concerns. The advantages received from India do not result from investment only. The tide of private fortunes, which is continually flowing to us from it, greatly enhances our national wealth; the customs and duties paid on the commerce with it augment the public revenue; and how much does the possession of an empire there raise the political consequence of this nation? It is true these advantages result rather to the public at large than to the East-India company; but the company are not therefore to relinquish their rights of sovereignty. They have also still a large eventual interest in its prosperity by the settlement of the guarantee fund, although the fatal event which deranged the state of Europe (the French revolution), has hitherto frustrated much of the benefit reasonably expected by us from India. To a period of war during twelve years, the consequence of the French revolution, and to that chiefly is to be ascribed the failure in the annual payment of the 500,000*l.* stipulated to government. The increased expences consequent on European war, and of expeditions undertaken in India against the enemies of this country, ab-

sorbed the funds from which that payment was to come. There never was, after the first year, such a surplus as was in contemplation of the law; nor, therefore, has any payment been since made, nor any debt incurred on account of it; but the noble lord (Castlereagh) has explained the whole of this subject so clearly, that I need say nothing more upon it.—The hon. gent. (Mr. Francis) has said, that the company cannot even purchase their investment without loss: that having been habituated to obtain it, in fact for nothing, they fell into habits of extravagance in the provision of it, and lost sight of true commercial principles. I can assure the house, that since the first arrival of lord Cornwallis in India, now near twenty years ago, the company's investment has been purchased as carefully and economically as the goods of private merchants can be. I have something more than mere knowledge for this assertion. The hon. gent. who has brought forward this motion has affirmed, that the company derive no profit from their Indian commerce, indeed that they have no such commerce; but that even their dividends are paid from money borrowed at a high interest in India. Sir, this is a monstrous proposition. I am ready to prove that the company do derive a profit from their Indian commerce even now, when their investments from abroad are much reduced, and the times are unfavourable, and that the dividends of the company arise from commercial profits. The same hon. gent. has said that the company have remitted to India to the amount of 8 millions sterling in money and goods; and that bills to a like amount have been drawn on them from India. These assertions must suppose that the company receive large supplies from India, and in goods too; because goods furnish the only mode in which such supplies can come; else how could the company make such payments here? for their capital is not nearly equal to them, and is so diffused in their concerns as not to be annually revertible to such purposes.—As to the export of bullion to India for the purposes of commerce; nothing is now better understood than that bullion may be employed like any other article of merchandize, and may sometimes be the most advantageous export for the purchase of commodities abroad. So it has often been found in the commerce between Europe and Asia, as well by the ancients as in our own times; and

the reason is plain: the mutual wants of Europeans and Asiatics for the commodities of each other are not equal. The Europeans demand more of the productions of Asia, than the Asiatics will take of the commodities of Europe; of course a difference must be paid by the common medium of bullion. But this, if it were a loss to Europe in general, is no loss to this country, because we receive the bullion from abroad in exchange for our manufactures; and whether we send India our manufactures, or the bullion paid to us by other countries to them, is much the same. It is true, that for some time after our first acquisition of India territory, the large surplus of revenue rendered it unnecessary for the company to continue the exportation of specie. But again, from the diminution of our surplus revenue and the increase of trade, it was altered, and bullion is now exported by private merchants as well as the company upon the truest principles of trade. The company have sent bullion to India for other purposes, and these perhaps the hon. gent. confounds with commercial remittances. A judicious plan was formed a few years ago, principally by the noble lord (Castlereagh) near me, for the liquidation of the Indian debt. The principle of the plan was, by an augmentation of the net surplus abroad and commercial profits at home, to raise a fund of 2 millions annually, for the reduction of the debt. It was increased exports of goods and bullion from hence, which this plan required, accordingly made; but all the bullion, soon as it reached India, was applied to the purposes of war, which has continued to defeat the effects intended from this salutary plan. From the same unwholesome cause the India investments, which were intended to be larger, have fallen short of their usual standard, and in the present year are greatly reduced. With respect to the freedom of the company in the management of their affairs, this is a delicate subject. The law has appointed a board of commissioners to superintend the conduct of the directors in all matters of a commercial nature. The board exercises the superintendence, and from the manner of exercising it, differences of opinion are not unfrequently arisen. But, in matters purely commercial, the court are allowed perfect liberty, except as to the amount of funds to be applied in India to the purpose of investment. In the species of goods

ded in, in their cost and quality, in ships to be employed, the times of dispatch, and the sale of goods, the any are left at perfect liberty; but commercial questions arise, which, in opinion of the commissioners, in points of a political nature, they interfere. Such they held to be objection of the private trade, agitated years ago, in which the directors at themselves hardly treated.—In

of a political and financial nature the court have often differed with board; but, having done their duty in giving their sentiments, they have complied to the authority which the is placed over them. I have no objection to an investigation into the conduct of directors; and I am a friend to enquiry respecting the application of company's property; but no advantage can result from such exaggerated statements as the hon. gent. who has made motion brings forward. In asserting application of 20 millions of the money, he is totally unfounded. It will not be able to show the misapplication of one million, nor of a single pound. The debt of the company is undoubtedly a matter of very serious concern; but it is contrary to the hon. mover's assertion—been enhanced chiefly by the wars which have existed in Europe and India, the military expeditions fitted out in another country by order of his majesty's government, for the expence of which the company have been very imperfectly paid. The debt has rapidly increased within the few last years; it is now above 27 millions, and may be near 30; notwithstanding which, part of the expense of the late wars in India has been defrayed, as is readily noticed, by money sent from Europe; and, unless the expences there are materially reduced, the exigencies of India will continue to require supplies from this country: if, above all, the debt goes on increasing, it may be attended with the most serious consequences to the company and to the country at large. The company are, however, not to blame in this, nor the administration at home. The late wars were commenced so suddenly, that there was not time for any instructions from home. I deeply lament the state of our affairs abroad, and the system of policy that has brought the company's affairs into such a state; but on this subject it is not my purpose now to enlarge.—I have

heard something, sir, of an intention to move for a select committee, to enquire into the rise of the company's debt. I conceive no committee can be necessary for any such purpose. The company's accounts will clearly furnish the information wanted, without the labours of a committee. The gradual progress of the debt, and the means by which it has been incurred, can be distinctly shewn to this house; and indeed the accounts annually laid before parliament are sufficient for the purpose. I must, moreover, deprecate the manner in which the hon. mover announces his opinions and enquiries to the house and to the public; a manner calculated to do mischief both abroad and at home; to excite suspicions and apprehensions in the public mind, which may even affect the credit of his majesty's government, and unsettle the minds of people in India, who may be doubtful with what designs, and to what extent, such enquiries may be prosecuted; because, instead of confining the enquiry to the subject directly avowed (to investigate which, if sufficient reasons are assigned, there can be no objection), the researches may be consequently carried into many other subjects, concerning which nothing has been before said, and pursued with views not beneficial to the public. For these reasons, I think, all such enquiries into India affairs, unless evidently necessary, and especially undefined enquiries by committees, ought to be avoided.

Mr. Francis.—Sir, I did never say, that the mode, now established by law, for governing India, ought at this moment to be changed; no, nor one word to that effect. I said nothing prospectively. The general opinion I alluded to, was given near 30 years ago, and to that opinion the worthy chairman was then, *bonâ fide*, as much a party as myself.

Mr. Secretary Fox observed, that the few words of explanation which had just fallen from his hon. friend, rendered it less necessary for him to enter particularly upon this subject. He had understood him precisely as his explanation imported. He agreed that we were not now to revert to original theories; but when we were examining into the causes of important events which were extremely complicated in their nature, it was somewhat difficult to do so without, in some measure, adverting to such original theories. He, however, did not mean to say that any altera-

tion ought at present to take place in the general system of Indian government as now, by law, established. He had occasion to state, at a former time, that there was a wide difference between disapproving of measures at their commencement, and afterwards rescinding them when they had been some time in practice. This he had said with regard to the union with Ireland. He had strongly disapproved of that measure when it was proposed, because he was then convinced it was a bad one, and was still convinced that it would have been much better for the country if it had never taken place. He had also disapproved of the plan for the government of India, but what he had said with regard to the union with Ireland, he now said respecting this plan of Indian government. It was, in his opinion, a bad one from the beginning, but as it had been adopted and acted upon, it was not now to be lightly rescinded. In ninety-nine cases of this nature out of a hundred, it was better to put up with many inconveniences arising from the first adoption of a measure, than hazard worse evils by premature and ill-considered alterations and innovations. This was his opinion.—Now, the hon. gent. had said something about a committee to investigate the rise and progress of the debt. This was the first time he had heard of any such committee. But when he said this, he begged leave to be considered as not pledging himself in any way upon the subject. If, however, upon examining into the state of the finances of the company, there should be any thing which, though clear to the hon. gent., might not be so clear to the house in general, he did not say but that in such a case he might think a committee extremely advisable. If, on the other hand, the accounts should place the matter in a plain and clear light, the appointment of a committee would be an useless trouble.—Now, with respect to the details of this debate, he, speaking on the part of the public, would certainly say, that it was a most monstrous proposition to assert that in the year 1803, the state of the company was highly affluent and prosperous. To be sure the act of 1793 only applied to the surplus of the produce. But then it supposed that such a surplus was likely to exist, otherwise it would have been perfectly nugatory from the beginning. We were surely to conclude, that there might be a surplus in such case. This certainly was not too much. But when we find that

from 1793 to 1803, a period of ten no surplus had in fact existed, and nothing had been done on the part of the act of parliament, such a long rience might be sufficient to convince that the affairs of the company had been in the very flourishing state in they had been asserted to be. But must say, after the passing of this act the long time that had elapsed, which nothing had been done upon in the fair conclusion was, either the surplus had been misapplied, or the country had been most grossly deceived and that, instead of being in a flourishing condition as had been pretended, the of the company had in fact been in alarming situation, a situation which to have been explained and laid open to the public, instead of being carefully concealed from the public view. In this opinion, the unprosperous condition of the company's concerns had never been sufficiently accounted for. He did not say that he had not heard a great deal of the subject, but what he had heard in general proceeded on false facts, and false premises. We ought to have the accounts of the company before us, with a full and complete examination, not the purpose of retrospective enquiry into the conduct of the managers of the affairs of India, with the intention of throwing upon any body, but for the purpose of warning us, the present administration against the errors which others have committed. In one thing the present administration would certainly not furnish an example of others, and that was in not holding out false and delusive hopes to the public. The hon. gent. (Mr. Grant) said, and justly too, that it would be chievious to spread alarm among our people and inspire confidence into our countrymen when no necessity for it existed without pretending to underrate the value of the observation, he must say, that it had been a common-place argument on one side of the question. It might be proper to excite alarm when there was a necessity for it, but it was much more proper to conceal danger when it actually existed and thus lead people on blindfold to destruction. It was worse in any case than the present management of government, but more particularly so in the case of the East-India Company. But he would put it to him, whether it was not the error had not been committed much oftener in the way of delusion

the way of alarm, at least as far as regarded this subject? Now, experience would teach the wise to avoid those faults into which they had found others most apt to fall. Certain it was, that much less was to be apprehended from too much jealousy than from too much negligence. No objection had been made to the motion of his hon. friend near him (Mr. Francis). He had only been requested to postpone it upon a point of convenience; to which he had properly agreed. Before he sat down, he could not avoid paying that tribute of praise to the industry, perseverance, and clear-sighted policy of his hon. friend, on questions relative to India, which they so much deserved. In his opinion, there was no one subject in his majesty's dominions, whose merit, with regard to the affairs of India, could be put in competition with that of his hon. friend.

Lord Morpeth observed, that there appeared to be no objection to the principle of these motions. It would be in the recollection of the house, that the half million which the company had engaged to pay to the public had only been paid in one instance. This was a matter of complete notoriety. He should be sorry to withhold any information; but he submitted to the hon. gent. (Mr. Paull) whether it was necessary for him to press his motions, as they related only to points which were universally known.

Sir T. Metcalfe assured the house he would only trouble them with a very few words. It was extremely well known to every member in that house, that for many years past the expences of the company had been very much on the increase; and nothing could be more self-evident than this, that while expences were increasing, there could be no surplus. He only wished on one point to shew, that during the time the 500,000*l.* had not been paid to the treasury, government had received advantages which were abundantly adequate. He begged the house to recollect that at the period when the right hon. gent. at the head of his majesty's government, brought forward the tax of 12½ per cent. on teas, by way of commutation for other taxes, no one thought the company would have afterwards more to pay than that tax of 12½ per cent. Instead of which, the tax on teas had since been raised to 95 per cent. If the duty during that period had continued at 12½ per cent. the company would have paid somewhat more than 5 million, but from the pro-

gressive rise of the duty to its present amount, they had paid upwards of 17 million, so that the treasury had received 12 million more than they would have done, if the first stipulation had been adhered to; and thereby the public had derived more advantages than the company, who have been also deprived of that sum towards the discharge of the payments alluded to.

Mr. Alderman *Prinsep* said, he felt as much as any one the danger of alarming the public mind in respect to the state of the company's affairs; but he had thought it his duty, more than once, to state to the house what he thought on that subject, when it occasionally came before them for their consideration. He was now of opinion, that his majesty's ministers, who had lately taken upon them so great a responsibility, ought, in duty to themselves, to cause such investigations to take place, as to satisfy themselves whether the amazing amount of the present debt had accrued from a losing commerce, or from a great increase of military force and military expenditure. They ought to endeavour to find out the means of reconciling the paradox of a surplus and an increasing debt, a flourishing state of affairs, and an exhausted revenue and decreasing commerce, existing at one and the same moment, in the concerns of the same company. He hoped some enquiry, either public or private, would take place, and that speedily; for, as to the present system of revenues and resources, he saw nothing in it but delusion and deception, highly dangerous in their continuance.

Mr. *Johnstone* observed, that he would not trouble the house with many remarks on this business; first, because the question was premature, since it would have come forward much better after the accounts had been laid on the table; and next, because the attention of ministers ought not at present to be turned away from affairs that required their more immediate labours. But he would say, however, that no blame whatever attached to the company, as it was clear from the accounts, that their failure to pay the sum agreed upon to the public, arose from the wars in which they had been engaged. No committee, he contended, was necessary, as every thing was detailed in the accounts in the clearest and minutest manner. And when differences arose between his hon. friend (Mr. Francis) and himself on the one side, and the noble lord (Castlereagh) near him on the other, the cause was, that

the noble lord founded all his arguments upon estimates, while they constantly argued from results. There were no differences as to facts.

Sir *Hugh Inglis* said, the reason why government had not participated in the promised payments was, that in 1793, when the charter was renewed, hopes were entertained, that the war would very soon be at an end; but, unfortunately, those hopes had been disappointed, and we had ever since been engaged in war, either with the French or the native powers, and sometimes with both, by which the debt had been enormously increased, and the expenses of the war had been placed to the debit of the company's accounts, with no other allowance than the difference between a war and peace establishment; and yet, from the account made out since 1793, it would appear, that the company's dividends had been paid out of the profits of their trade. As to a select committee, he was certain nothing could be done by it that would not be better effected by his majesty's ministers forming the board of controul.

Mr. *Paull* replied at some length to the various arguments that had been made against his intended motion for a select committee. The noble lord opposite, (said the hon. gent.) accuses me of reading the act rather hastily: to that observation I shall make no reply. The noble lord (Folkestone) who with so much honour to himself, and advantage to the public, has this night seconded and supported my motions, has made so able a reply, and joined so cordially in my construction of the act, that any observation on my part, would only weaken the arguments of that noble lord; happily, too, I am borne out by the opinion of the right hon. secretary (Fox), of which I am not a little proud. The noble lord has said, that the situation of the company in 1802-3 was flourishing, prosperous, and happy, and their resources ample, and possessed of the means of fulfilling their engagements made in 1793. The present is not the time for the proof of this assertion; but I hold in my hand an opinion not likely to be controverted, that of the directors themselves, which I beg leave to read; it is from the third report of the select committee, dated in the very year 1802, that year so triumphantly referred to by the noble lord. In the third report of the select committee of the court of directors, after alluding to the letter of my lord Melville, they say, "Mr. Dun-

das (we quote his own words) "When I saw the Indian debt rise to 10 millions, bearing interest, and still to increase, I thought it my duty to you the propriety of restoring to from your treasury at home, a that balance; and this led me to that I was ready to meet the debt, even at the large amount millions. Every person conversant the affairs of India, will concur with Dundas, that the safety of the depends, amongst other things, comparative magnitude of the He was alarmed, and with reason the amount was 10 millions; but, exertion, and with a responsibility which he appears to have felt the he was ready to meet it on the June 1801, at the large amount millions. However discouraging prospect may be (alluding to the 16 millions) it is aggravated by circumstances which never existed before establishments are increased, the cal resources absorbed, and it is intended to deprive the company resource, essential to save it from destruction." It is for the not to reconcile these contrary opinions hon. chairman (Mr. Grant) has said the trade of the company has been table; but what trade, I ask, and confidently? The trade of China is most lucrative; for there we have no armies, no establishments I am ready to meet the hon. gent. prove, that the investments made have been purchased with money provided by loans at a high rate of interest, with a farther commission of cent. to the commercial servants; and the Bengal commerce during the 1 years, has produced a positive loss less than 3 millions sterling in the invested; and now the debt remains, and must remain to the loss of the charter, a debt due in India company.—The noble lord and the chairman, have maintained, that the increase of the debt has arisen from Now, sir, *prima facie*, the same, in place, is contrary to your laws, argument, unless the wars can be justified as a very unsatisfactory one. But I do fact; and, if there is one part of Wellesley's conduct more to be blamed than another, it was the unprepared state of the army, in every essential for commencing active operations, when hostilities

nenced. So unprepared was lord Lake for taking the field, that government was forced to means unjustifiable, oppressive, and unjust, to enable lord Lake to move from Cawnpore. Let the requisitions made as the vizier, for elephants, camels, horses, bullocks, waggons, and bearers to carry the sick and wounded of the army, decide the question. I deny again, that to the war is to be attributed the alarming state of the debt; it will be found in your system of finance, in the provision of your instruments, and in the profuse, wasteful, extravagant, illegal expenditure of the public money by the late governor-general. I was anxious and eager to abstain from all mention of that nobleman on the present occasion; but, when causes unfounded in fact are to go forth to the public, I feel it my duty to state the true causes of the increase of the debt which we so much deplore, however galling they may be to the noble lord alluded to.—Another hon. gent. (Mr. Johnstone) has stated this motion as premature, and advised me to stay for the budget. Sir, the budget has nothing to do with the object I have in view; it is to the *errors of the system* I object. Besides who, I ask, attends to the voluminous accounts yearly produced? they are only calculated to tire the reader, not to instruct. But, sir, I repeat again, the correctness of the accounts, and the sums total, are foreign to the object of enquiry I have in view. The system of finance, of commerce, of expence, are all faulty, all defective; and it is to these I wish to apply a remedy through the means of a select committee.—I would willingly comply with the suggestions of the noble lord (Morpeth), did not a sense of duty prevent me. The negatives will prove the breaches of law; and I must persevere in my motions, and divide the house, if they are objected to. One word more, sir, and I have done. The line I am pursuing is to me a troublesome one, and no personal advantage can possibly result to me from it; on the contrary, I know I subject myself to much obloquy and much inconveniency. But, sir, viewing the evil as I do, and perceiving that if a remedy is not speedily applied, an experiment must be tried, that may level with the dust the public funds of Great Britain, I shall, at all events, do what I feel to be incumbent on me; and, should the house neglect the warning I have given, and shut their eyes to the approaching danger, gentlemen will lament when too late

their fatal credulity. Under every consideration of the subject, I must take the sense of the house on the motions I have this night made.

Mr. Hiley Addington wished that the honourable gentleman would withdraw his motions; because as it was known that there were no such papers as he called for, they were mere nullities, to say no worse. He seriously deprecated the prominent disposition manifested so frequently by the hon. gent. who spoke last, to asperse and criminate the character of a noble person, not now present to defend himself,—and this before any document to sustain his allegations, or any regular enquiry into the noble person's conduct was before the house. At least he was sure if the hon. gent. did not condescend to take the advice he now took the liberty to offer him, he had sufficient experience of the candour and liberality of the house to be convinced that such allegations, thus unsupported by any thing but assertion, would have no weight in their opinion.

Dr. Laurence said, that this was a common mode of proving that there were no such papers by having a return to that effect. He supported the motion of the hon. gent. and observed, that it now appeared the noble lord's flattering statement of the abundantly prosperous state of the affairs of the company in 1803, was entirely founded upon a prospective supposition of a permanent peace; whereas, in one month afterwards, his majesty's message was brought down to the house, announcing the explosion of a new war.—Mr. Paull's motions were then put and carried.

HOUSE OF LORDS.

Thursday, February 27.

[WITNESSES' INDEMNITY BILL.] The order of the day having been read for the attendance of the Judges (who were all present), to give their answers to the three questions referred to them, the 1st and 2d of which went to enquire whether, according to law, a witness could demand to answer a question, the answer to which might render him liable to an action for debt, or to a suit for the recovery of the profits of public money? and the 3d, to ascertain whether a witness who, on making a full and fair disclosure, was to be excused from certain debts, could not be legally objected to, on the ground of his being interested?

Lord Chief Justice Mansfield delivered

the opinion of the Judges, which, with respect to the first two questions, would, he said he feared, leave their lordships in nearly the same state of doubt in which they were before, although his learned brethren and himself had devoted as much attention to their consideration as the time allotted for the purpose would allow. The Judges were, however, upon those two questions, which they considered to be resolved into one, divided in opinion. Those who were of opinion that a witness in such a case could not demur, might be prepared to give a decisive answer to that effect, but with respect to those who were of a contrary opinion, that opinion was qualified by a great number of exceptions, which it was not their province to descant upon under the general terms of the questions, and which, indeed, it would be scarcely possible for them, under a general question, to give a decided opinion upon.—With respect to the 3d question, they were unanimously of opinion, that a witness in the situation described, could not be repelled on the ground of being interested, as whatever was offered, on condition of his making a full and fair disclosure, could legally make no difference with respect to his evidence, he being bound by his oath, by law, morality, and honour, to declare the truth, the whole truth, and nothing but the truth.

Lord *Auckland* expressed his disappointment at the opinion which he had just heard from the learned Judges, which he had expected would have been decisive one way or the other. In order, however, to obtain an answer, which might perhaps be all that would be necessary, with reference to the bill, he begged leave to propose another question, whether, according to law, any officer or agent employed under any officer entrusted with the application of the public money, could demur to answer to any question relative to the matter in issue, the answer to which might render him liable to any suit respecting the application of such money? This question, however, he was very willing to withdraw, if any other noble lord suggested a better mode of attaining the same object.

It being suggested by the clerk that the answers of the Judges should be delivered in writing, they were accordingly delivered. The answer to the third question was similar to that given verbally by lord chief justice Mansfield. The answer to the other two questions stated, that they were so

general in their nature, that the J could not give a satisfactory answer.

Lord *Eldon* said, it would be in the collection of their lordships that he on a former occasion expressed his doubt whether they would derive much information from the opinion of the J upon such general questions. The difficulty in his mind, with respect to asking more specific questions was, that he could not do so without going into the merits of the case which was to confront them by impeachment, and which they ought to preserve their clear from all previous opinions upon the subject, until they came before the J generally in evidence.

Lord *Holland* objected to the lord (*Auckland's*) question, on the ground of its being too particular, and pressed against the admission of the Judges' answer, because it recognized a principle which he contended was unparliamentary, viz. that questions referred to the J should be of a particular and not of a general nature. He was decidedly of a contrary opinion, and had no hesitation in saying, that it had been the uniform practice of parliament before the trial of *Minors*, and that it was essential to the preservation of the independence and of their lordships' house, the high nature of the kingdom, to refer questions to the Judges of a particular nature, but to consult them on the general principles of law.—All questions that it came to the house to refer to the Judges, were in his opinion reduced to these three heads. 1st, a question of abstract law, illustrated by an actual case. 2dly, a question on the principles of the courts below. 3dly, a question of construction of a particular act or instrument.—If, therefore, this was so, the constitutional doctrine, and the Judges permitted to decline answering questions because they were general, it would be low, either that the house must depart from the principles of their ancestors, the wholesome constitutional maxim of confining their questions to general principles, or the attendance of Judges would be nugatory and useless.—The real principle laid down, was obvious. If a particular case was referred to the J, we should not be consulting them for the purpose of gaining information upon which we might form our own opinions, but should be asking them advice

own conduct, and consulting them how to regulate it according to law. Were that the practice adopted, and they were required to give opinions on the case, and not simply consulted on the general points of law, there could be no reason stated why the whole body of evidence on a trial, or any other proceeding, might not be referred to the Judges, and they required to advise the house what verdict to give. Such a doctrine and such a practice would be derogatory to the dignity of the house; subversive of the law and usage of parliament; and a virtual surrender of the independence and dignity of the highest judiciary in the country, to the practice and rules of the inferior courts. He was therefore convinced that the learned Judges attended on the woolsacks, to furnish their lordships with such information as they might feel necessary towards regulating their conduct, but not for the purpose of being consulted as to what that conduct should be: and being convinced that the recognition of the impropriety of general questions being put to them, would be an acknowledgement that the object of their attendance was for the latter and not the former purpose, and that such acknowledgement would be pregnant with serious evils to the law and usage of parliament, he felt bound to protest to the admission of the answer given in writing by the Judges.

Earl Stanhope said, his noble friend had mistaken the practice of parliament, with respect to the questions referred to the Judges. If his noble friend had, like himself, endured the misery of attending for six years, during the trial of Warren Hastings, he would have known that it had been constantly the practice to refer questions to the Judges, upon specific points, and individual cases. He could not, at the same time, agree with his noble friend, as to the general propriety of requiring an answer from the learned Judges, to a question, respecting an abstract point of law. Such a question might involve both negative and positive relations, and how was it possible for the learned Judges to give a general answer, of yes or no, to a question, which they could not, indeed, answer, without making a thousand, or, perhaps, ten thousand, exceptions to the general rule laid down? With respect to the bill itself, he was of opinion, that there should not be a different law for A. to what there was for B.;

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and he had an idea, if it was not carried into effect by any other person, of proposing a general law upon the subject, contained in a short bill, according to which, the evidence given by any person respecting any matter in issue, should not be afterwards made use of in any way against him.

The Lord Chancellor (Erskine), after briefly stating the circumstances which gave rise, on a former occasion, to putting these questions to the Judges, observed, that it was clear, from the statement of the learned chief Justice, that the learned Judges had not really declined to answer the question, on account of its being of too general a nature, but that they had differed in opinion with respect to the subject matter which that question involved, and, therefore, they could not return a general answer, either one way or the other. He looked up with reverence and respect to the opinion of the Judges; he wished to have their opinion upon such a question; the house had a right to call for their opinion. The variance between the verbal statement of the learned chief Justice, and the answer delivered in at the table, was obvious to the house; it was also clear that the difference of opinion amongst the learned Judges was, not as to the form of the question put to them, but upon the merits of the question itself. Under these circumstances, therefore, he thought that the house was entitled to call for an opinion from the Judges, and, as they could not agree, that they should deliver their opinions *seriatim*. He, at the same time, wished to pay the highest deference to the opinion, upon this subject, of his noble and learned friend (lord Eldon).

Lord Grenville perfectly concurred in what had fallen from the noble and learned lord on the woolsack. He wished to pay every respect to the learned Judges, but their lordships were entitled to an opinion upon the questions referred to that learned body; and, however painful or unpleasant the task, they must do their duty. He concurred in the propriety of hearing the Judges *seriatim*.

Lord Hawkesbury also agreed that the Judges should be heard *seriatim*; the only question appeared to him to be as to the mode of getting rid of the answer to the first two questions which had been delivered at the table. It occurred to him that the best mode of doing this, would be to consider that answer as not having been delivered, and that it should be an-

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derstood that the learned Judges were to deliver their opinion upon the question, as if no such answer had been given. With respect to what had fallen from his noble friend (lord Holland) as to the proceedings of the house being controlled by the opinion of the Judges upon specific points, that opinion was not sanctioned by precedents, one of which occurred to him at the moment—the case of Dr. Sacheverell, in which the house acted in direct opposition to the unanimous opinion of the Judges. As to the idea started by the noble earl (Stanhope) of a general law to prevent the evidence of witnesses from being used against themselves, he thought it would not have the effect which the noble earl proposed, as, if the witnesses were compelled to disclose facts, that disclosure might afford a clue for proving those facts against them.

Lord *Auckland* withdrew his motion.

The Earl of *Radnor* thought the Judges ought to be called upon to deliver their opinions *seriatim*.

Lord *Eldon* said, he felt it incumbent upon him to state, that he gave too positive an opinion upon the point involved in the bill. He had said, that there was no doubt that a witness had no right to demur to a question, the answer to which might involve him in a civil suit; that opinion he must now retract, as he found there were doubts upon the subject amongst persons of high legal authority. He concurred in opinion that the Judges should be heard *seriatim*, and therefore moved that the Judges, having given a decided opinion in the negative as to the third question referred to them; and it having been stated that they differed in opinion as to the other two questions; that they should be heard *seriatim* upon those questions, and that they should attend to-morrow for the purpose of delivering their opinions.—This motion was agreed to, and on the motion of lord Holland the further consideration of the bill was postponed till Tuesday, for which day the lords were ordered to be summoned.

HOUSE OF COMMONS.

Thursday, February 27.

[MINUTES.] A message was brought from the lords, stating that their lordships had agreed to the five millions exchequer bills bill without any amendment.—Dr. Duigenan brought in the Irish first fruits bill, which was read a first time.—

Mr. Francis moved for, extracts of letters or accounts received from the presidency of Bombay, relative to the 31,25944 Bombay rupees, inserted account of their disbursements, first year ending the 30th April 1803, as to be money lent to the Guicowar. Mr. Francis stating that there was no objection to the motion, the same was agreed to.—On the motion of lord H. P. it was ordered, that there be laid before the house, an account of any offices in India that may have been granted to two persons, for their concurrent life benefit of survivorship.—On the motion of lord H. Petty, it was ordered; that there be laid before the house an account of the duties retained and not drawn from the exports of foreign and colonial goods from Great Britain to Ireland, during the years 1801, 1802, 1803, 1804, 1805 to the 6th of January 1806. As to a similar account of duties on exports from Ireland to Great Britain to 5th January 1806.—The secretary moved for leave to bring in a bill extending the liberty of enlisting soldiers into the service of this country, and for indemnifying those by whom enlistments had been made. The hon. gent. stated the fact of an act to the extent of 3,000 men, beyond the provisions of the former act, having taken place in recruiting the German, while in Hanover; and that it seemed expedient that no time should be lost in acquainting parliament of the circumstance, and asking indemnity, was accordingly given to bring in.—Sir P. Stephens brought in the mutiny bill, which was read a first time and ordered to be read a second time to-morrow.—On the motion of lord Holland a variety of papers, comprising tables of the revenue and expenditure of the several presidencies of India, were ordered to be laid on the table, preparatory to bringing forward of the India bill the motion of Mr. Fitzgerald, for a bill to partition bill went through the committee.—On the motion of lord Holland the house went into a committee on the Greenland whale fishery acts. A conversation between Mr. Lee, the member for the Isle of Wight, and Mr. Vausittart, a resolution was agreed to, that leave be given to the committee engaged in the Greenland whale fishery bill to complete their number of members to report on the present season.—On

tion of Mr. Vansittart, it was ordered, that there be laid before the house an account or estimate of all duties of customs and excise in Great Britain charged and outstanding on the 5th of Jan. 1805, and on the 5th of Jan. 1806, respectively, distinguishing the several articles, and temporary from permanent duties.

[AFFAIRS OF INDIA.] Lord *Folkestone* said, that though there had been some difference of opinion as to the propriety of investigations into the expenditure of the monies of the company, he presumed to think there could be no objection to the motion he had now to make, which was, "That there be laid before this house, a list of all pensions payable by the East-India company, and a return of all sums of money granted, by way of gratuity, by the court of directors to individuals, from the year 1793 up to the present time: specifying the services and considerations for which such pensions and sums of money have been given and granted respectively."

The *Speaker* intimated, that if any hesitation appeared in the house to accede to this motion, the noble lord had better content himself, in conformity with what he (the speaker) conceived to be a rule established in the house, with giving notice of his motion for a future day.

Lord *Folkestone* declared himself hostile to the practice, or to the establishment of any such rule. Particularly in such a case as the present; where no possible objection could be made to the motion, he by no means conceived himself bound to give notice of it. If, however, the house should determine to establish such a rule, he trusted that its operation would not be partial, but that it would be rigidly adhered to in every instance.

The *Speaker* trusted that the house would do him the justice to believe, that he was influenced by no motive in the remark that he had made, but the wish to uphold their received practice. Since he had enjoyed the honour of sitting in that chair, it had certainly been the received practice, not to entertain any motion of a public nature, without a previous notice, except, indeed, the annual accounts, &c. which were mere matters of course. The reason of this usage was evidently to prevent the house from being under the disagreeable necessity of rescinding on one day what they had agreed to in the day preceding, in the absence perhaps of those members who were competent to judge of the propriety of the

question. If however, the house thought proper that this practice should be abandoned, it was for them to express their pleasure.

Lord *Folkestone* repeated his objections to the practice of giving notices. It would be better to get rid of any obnoxious motion, by calling for the previous question.

Mr. *Francis*, as an old member of the house, felt himself entitled to express his opinion on this subject. During the two first parliaments in which he had held a seat, no such practice was resorted to, except on very particular occasions. The present motion was not one of those which appeared to him to require previous notice. It was not a political question; it was a question, the propriety of which could not admit of debate, as it merely related to the public expenditure, information concerning which, the house, as guardians of the public purse, must ever be solicitous to obtain.

Mr. *Perceval* spoke in favour of the prevailing practice, and thought no member could object to give notice, unless he had a disposition to take the house by surprise. There might be times, he observed, when, perhaps, there might be only one member of that house capable of judging of the propriety or impropriety of producing papers. That member might be absent on one particular day; but if a notice were given, he would, of course, feel it is duty to attend to it.

General *Tarleton* thought, that, in the present instance, there was one good and sufficient ground for requiring a notice, as there happened to be no more than one India director then present in his place.

Mr. Secretary *For* said, he considered the practice of giving notice on ordinary occasions, as an abuse which was so long suffered to prevail, that it was not at present easy to get rid of it immediately. In the present instance, however, he saw no occasion whatever for a notice, as he did not understand that there would be any objection to the motion. If any member of the court of directors stated any reason why he might wish for delay, he made no doubt but the noble lord would willingly consent to it. The practice now attempted to be enforced, he could only consider as a general instance of relaxation of duty, and was not to be found in the original constitution of parliament. In a constitutional view, every member was supposed to be bound to attend upon all

questions relating to the supplies, the ways and means, and every expenditure of the public money. Whatever modes might latterly have prevailed, he confessed, that he liked the old practice better, which was to attend to all subjects of grievance; and he was convinced that the custom of giving notice on such occasions was not founded on the principles of the rights of parliament.

Mr. P. Moore thought a notice to be unnecessary, at least if no objection were stated to the motion.

Lord Folkestone explained, that he wished some general rule to be at once adopted, in this respect, to regulate the proceedings of the house. It was in the power of any gentleman, who felt any difficulty or objection to his proposition, to move an adjournment of the debate, which he should not object to, if any sufficient reason were given for it.

Mr. Lee was of opinion, that this question should at once be decided, one way or other. The right hon. secretary (Mr. Fox) appeared to him rather to incline to a notice being given in the present instance, conformably to practice. What he wished to suggest was, that it should be made a part of the law of parliament, for every member to desist from pressing a motion without notice, if it should be objected to; for if no precise rule were suffered to obtain, there might be no end to such desultory debates. The motion was then put and carried.

[VOLUNTEERS.] Mr. Whitbread rose to submit his promised motion, for a return of the effective volunteer force, to which as no opposition had been manifested when he gave his notice, he trusted none would now be made. There was no subject on which it behoved the house and the country to be more completely informed than the present. They had been buoyed up with the most magnificent descriptions of the state of the voluntary defence, and it was now highly expedient to ascertain the actual fact. At such a crisis as the present, this was particularly indispensable. It was of the utmost importance, previous to the sums being voted for the clothing and expences of a considerable portion of the volunteer establishment, that the house should know what number of men were likely to take the field in case of emergency. He was sure that his hon. friends, who were near him, would give this subject all the attention that its great importance de-

manded. Were it not for this conviction he should consider it his duty himself to found a motion on the papers, for he should on that evening move. It was, however, he should leave it with perfect confidence in their hands. On this additional remark he would make, was, that not only the number of men should be clearly ascertained, but that the rank of the officers should likewise be considered and arranged. He was himself in the command of a volunteer and he was solicitous that neither himself nor any other officer in a similar situation should be circumstanced in that particular in the way in which he now was. He would say no more on the subject present, but rest satisfied with the fact that there be laid before the house an account of the returns of the different volunteer corps of cavalry, infantry, and artillery, in that part of the united kingdom called Great Britain; describing the relative strength of each corps, together with their state of discipline, and fitness for service, as reported by the general and inspecting field officers of the different districts throughout the kingdom, in the last returns; and also the names of the officers by whom such returns have been signed."

General Tarleton was very happy to give his support to the motion. The volunteers and the public at large were anxious to know, whether or not any new measure of defence was to be adopted. It was now near March, a period at which a campaign usually commenced, a circumstance, added to the danger which the country was threatened with, and the necessity of expediting as far as possible any military plans that were in contemplation.—The motion was agreed to.

[EARL ST. VINCENT.] Lord Pelham, previous to moving for a copy of his majesty's message relative to the Earl of St. Vincent, acquainted the house that he had his majesty's commands to recall to them that the annuity now limited to the two heirs male of the noble earl should be extended to the two next heirs in peerage in succession. It was his addition, that when the pension was first granted it was so continued, but it had become limited in proceeding through the House of Commons. He thought it right distinctly to state this, to shew that it was a new favour granted to earl St.

although he had no doubt if it were so, that the undiminished zeal with which at his advanced period of life, the noble earl was sacrificing his ease, and devoting himself to the service of his country, would induce the house cheerfully to accord with such a proposition.

Mr. *Rose* corroborated the statement of the noble lord, that it certainly was intended when the grant was first conferred on earl St. Vincent, that it should devolve to the two next heirs of the peerage in succession. He felt it a duty which he owed that noble earl to declare, that when the subject of extending it was first mentioned to him, he had said that he felt himself sufficiently rewarded, and requested, that if any thing farther were in contemplation, it might be done without his interposition.—His majesty's recommendation, as just communicated by the noble lord, having been ordered to be referred to the same committee, the house resolved itself into a committee on his majesty's message respecting earl St. Vincent; when a resolution was agreed to, in conformity with the said message; and the house having been resumed, the report was ordered to be received to-morrow.

[TREASURER OF THE ORDNANCE.]

Lord *Henry Petty* rose to move for leave to bring in a bill for the better regulation of the office of treasurer of his majesty's ordnance. The principal object which he proposed by this bill, was to afford the public that security for the due administration of their money, to which they were entitled, by making it a legislative provision that all balances remaining in the hands of the treasurer should be deposited in the bank of England. It was true that there existed an order given by the board of ordnance to that effect; but it was desirable that the public should have better security than the mere act of any board, that the money which had been voted for particular purposes should be appropriated to those purposes, and to no others. As he was on the subject, he would take this opportunity of giving notice, that it was his intention to move for leave to bring in bills for enforcing similar regulations, and carrying into effect a similar principle, in the post office, excise office, custom house, &c.

Mr. *Long*, after bearing testimony to the measures which lord Chatham, whilst in office, was pursuing to the same effect, expressed his satisfaction at finding that the

same regulations were meant to be extended to all the public offices. He thought, however, that in the course of this arrangement, if the money accruing were, in all cases, to be deposited in the bank of England, it may be a proper consideration, whether there should not be increase of salary to the officers who heretofore had the benefit of holding sums of money for some time in their hands.—Leave was then given to bring in the bill.

HOUSE OF LORDS.

Friday, February 28.

[MINUTES.] Lord viscount Anson was introduced with the accustomed formalities, sworn, and took his seat. His lordship's supporters were, viscounts Newark and Curzon.—The earl of Lauderdale, a Scots Peer, was also introduced, in full form, sworn, and took his seat, as baron Lauderdale, a peer of the united kingdom. His lordship's supporters were, lords Holland and Walsingham.—The earl of Donoughmore, one of the Irish representative peers, was sworn and took his seat.—The royal assent was given, by commission, to the five millions exchequer bills bill, lady Nelson's, and to sir R. Strachan's annuity bill.

[WITNESSES' INDEMNITY BILL.—OPINION OF THE JUDGES.] Pursuant to an order of the house, the learned Judges again attended this day, for the purpose of delivering their opinions *seriatim* on the questions arising out of the discussion on this bill, and which had been previously referred to them; the principle of these, and on which a difference of opinion among the law lords was last night stated to obtain, was, in effect, whether a witness, according to law, was bound to answer questions relative to the matter in issue, the answers to which do not tend to accuse himself, but may establish, or tend to establish, that he owes a debt recoverable by a civil suit?

Mr. Baron *Sutton* as the junior judge, first rose to deliver his opinion. The learned baron, in the course of his argument, referred to a variety of legal considerations, cases, and decisions; on his view of which he grounded his opinions. These, considering the point as a general rule of law, liable, however, to various and numerous exceptions, dependent on circumstances, &c. were, that such witness was bound to answer. In the course of his illustrations he referred to a case, which he seemed to put hypothetically, viz.

that of a prisoner on trial for his life, on a charge of forgery, and a most important witness to be brought forward to answer the question, whether such name or signature were his hand-writing or not? would it, in such a case, be allowed to him to object, on the ground, that the answer might render him liable to a civil debt?

Mr. Baron *Graham*, after stating the difficulties in which the question was involved, declared that, in his opinion, the general rule of law was, that a witness was bound to answer every question touching the issue to be tried, with the exception only of such questions as would expose him to a criminal prosecution, or to a penalty or forfeiture. In the courts of equity it was the daily practice to force parties to answer the matters alleged against them, whatever pecuniary loss such answers might subject them to. The justice and the reason of this rule applied equally to the courts of law, although it was not the custom there to examine the parties, as it was in chancery, where their customs were derived from the civil, instead of the common law. Although, in the courts of law, a party could not be made a witness, yet those persons, who were brought forward as witnesses, were equally bound to declare the whole truth, as the parties would be in a court of equity. If it were not so, the most monstrous obstructions would be thrown in the way of justice: those persons who were the best qualified to give important evidence, might generally shelter themselves under that plea. It was, however, every day seen, that pawn-brokers were brought in evidence upon the prosecution of thieves, and stable-keepers on the trials of horse-stealers; and in neither of these cases, would it be permitted, for the pawn-broker, or the stable-keeper, to refuse giving testimony, on the ground of their answers obliging them to restore those things which they had so improperly received. If this were the law, whatever inconveniences might result from it, witnesses would perpetually claim this privilege, either from fear, or through favour. The point had not as yet been settled by any solemn decision, after a full argument; but, from all the lights that he could derive, and from the monstrous inconvenience that would result from the contrary supposition, he declared his opinion, as to the first question, that a witness is bound to answer all such answers as do not expose him, either to criminal prosecution,

penalty or forfeiture; and as to the question, that the same rule applies to witnesses on a trial, or a suit, whose majesty is either plaintiff or prosecutor.

Mr. Justice *Chambre* was of the same opinion. In the courts of equity, not only son might be compelled to answer questions which would severely affect their pecuniary interests, but bills of discovery were for the express purpose of obtaining answer upon oath, which answer might be read as evidence in the courts of law. A rule had been laid down by lord Mansfield, which had been generally considered the true one, that in all cases where a witness could be forced to answer by a court of equity, in order that his answer might be read as evidence in a court of law, all such cases, a court of law should compel him to answer at the trial. Those cases where a party could refuse to answer in a court of equity, were, when a witness would expose him to either a criminal prosecution or to penalty or forfeiture. This was what he conceived the rule to be at common law, and that it most unquestionably ought to be the rule, in the courts of equity. He thought there could be no reason why a man should conceive himself obliged to conceal the truth, or to refuse to do justice between A. and B. on the ground that if he did so, C. might bring an action against him; which would be in other words, "the public must be upon me to give evidence, or do justice between A. and B. because such evidence might prevent me from acting unjustly against C. or D. to whom I should wish to do justice, and from whom I should wish to withhold a just debt." As to the practice upon the point, there were on this side a great variety of opinions, expressed at *Nisi Prius*, and on the other, that the rule so laid down by lord Mansfield, and which he now considered to be the law with respect to evidence. There had been a case in the court of exchequer, where an attachment was ordered against a witness for refusing to answer on these grounds. When he considered the practice in the courts of equity, and the manner in which this practice had been adopted in the courts of law, and also when he considered the great obstruction which would be thrown in the way of justice, if the contrary practice should prevail, he should give his decided opinion, that a witness was bound to answer questions, which did not expose him to criminal prosecution, pen

forfeiture, even although his pecuniary interests might suffer by such answer.

Mr. Justice *Le Blanc* agreed most decidedly with the opinions which had been delivered by the judges who preceded him. He considered that it would be subversive of justice, and a thing not to be endured, if agents, brokers, or persons who managed insurances, were to decline being examined on the ground of their being themselves made liable to a civil action. Although he professed the highest respect for the authority of those judges who held the rule to be the other way, yet it must be recollected that the point had never been seriously argued before, or probably those great and learned judges might have altered their opinions. He had always held that witnesses could be compelled to answer questions, even although their answers might expose them to civil actions, and the more he considered the practice of the courts, and the reason on which it was founded, the more he was confirmed in that opinion. He, therefore, agreed with his learned brethren in the answers they had given to the questions that had been submitted to their opinion.

Mr. Justice *Grose* differed in opinion from the learned Judges who had preceded him. He conceived, that, by the mild laws of this country, no man was bound to criminate himself, or to give evidence against his own pecuniary interest, and perhaps to his utter ruin. It was allowed, that neither in a court of equity, or at law, was a man bound to answer what might expose him to a penalty or forfeiture. He could not see the reason why a man should be excused from answering questions which might expose him to the penalty of five pounds for killing a hare, and yet should be obliged to answer questions which might expose him to ten thousand pounds in damages, or to lie in jail all his life, if he should be unable to pay those damages. This difference, it appeared, was more grounded upon practice than upon any principle. The practice, however, of the courts of equity differed most materially from that of the courts of law. In the courts of equity, although the parties were liable to be compelled to answer upon oath, yet they had time for due deliberation and legal advice, and besides the answers could not afterwards be misrepresented. It was very different, however, in a court of law, when a question rapidly put by an ingenious lawyer, and

answered without consideration, might expose the witness to ruin. If this answer could be given against him as evidence in another trial, it would be given in without the witness having any opportunity to explain his answer. There were many other differences between the rules of evidence in the court of equity, and those of common law. In the former, an infant could not be compelled to answer, in the latter he could. He did not consider that the principle laid down by lord Mansfield was entitled to more weight, than the opinions of so many great and eminent Judges, who had determined the other way. His opinion was, therefore, contrary to the opinion expressed by his brother judges.

Mr. Justice *Lawrence* said, that he had always, until this question was agitated, considered that the rule of law was, that a witness was excused from answering such questions as involved his pecuniary interest, and, so thinking, he had concurred with other Judges in refusing a new trial moved for on that very ground. The fact was that, till the present question was started, there had been no solemn argument upon the subject, and he had never turned his mind particularly to it; but upon the present occasion, having felt it his duty to consider the subject with the utmost attention he could give to it, he had changed his opinion as to the rule of law, and was now inclined to consider that it was different from what he had formerly supposed. Whichever way the general rule lay, that rule had many exceptions; and, although he could see many inconveniences resulting from the affirmative, as well as from the negative of the question which had been put to the Judges, yet he thought the mischiefs resulting from the negative of it considerably predominated. He therefore now considered, that the general rule of law was, that a witness was bound to answer questions, although he might become liable to a civil action in consequence of his answers.

Mr. Justice *Rooke* coincided with his learned brother (Mr. Justice *Grose*) in his opinion, that a witness was not bound to answer questions which might materially affect his pecuniary interest. He did not apprehend such evil consequences from this rule, as those who held an opinion contrary to his. Prosecutors and plaintiffs seldom came into court so badly provided with testimony, as to rely entirely on what they were to pick up by cross-exami-

nation from an unwilling witness. Neither did he think that they would decline answering on a pretence of their pecuniary interest being endangered, if, upon examination, it appeared that their interest was very minute. He thought a much greater danger would result from allowing a hasty answer, unexplained, and perhaps incorrectly taken down, to be read as conclusive evidence at a trial. There was a case determined against this doctrine, but he thought it was an extreme hard case. It was that of lord Keith, who, by an answer he gave in an insurance cause, where he was called as a witness, subjected himself to an action, in which 10,000*l.* damages were given against him. No court of equity could have compelled him to state every irregularity he might have committed when commander in chief of a fleet, and yet a hasty answer at *Nisi Prius* was given as evidence against him. He considered that evils of this kind were worse than would follow from the rule being the other way. As to the courts of equity, whatever analogies might be drawn, he did not consider that judges of the common law were bound to go into the court of chancery to find out what rules of evidence were received there. In the whole of his practice at the bar, and of his experience on the bench, he considered that witnesses might object to being examined on matters that would expose them to civil actions. He thought that no third person had a right to extort from a witness what debts he owed, what slanders he might have spoken, or what trespasses he might have committed, which would expose him to actions. If that were the rule, it would change the whole practice of the law, 'as dishonest practitioners would bring actions against one person, merely to extort evidence against another. He, therefore, was of opinion, that a witness was not bound to answer questions which would prejudice his pecuniary interests, and expose him to civil actions.—After Mr. Justice Rooke had finished, the further hearing of the Judges was postponed till to-morrow.

HOUSE OF COMMONS.

Friday, February 28.

[MINUTES.] A message from the lords requested the attendance of the house at their lordships' bar, where the royal assent was given by commission to the exchequer bills act, lady Nelson's and sir R. Strachan's annuity act.—Lord Temple brought in a

bill for enabling the vessels employed in the Greenland whale fishery to carry their crews; which was read a first time and ordered to be read a second time Monday.—The secretary at war brought in a bill to enable his majesty to employ a greater number of foreign troops. Read a first time, and ordered to be read a second time on Monday.—A petition of the merchants and members of the board of agriculture was presented to the house, and setting forth, "that his majesty has been pleased, in consequence of an address from this house, to constitute, by letters patent under the great seal, a Board of Agriculture, for promoting the improvement of the country, the petitioners have the satisfaction to acquaint the house, that the important purposes intended by that institution are carrying on, and are likely to be attended with beneficial effects to the public; and therefore pray that they may be supported by a grant of the present year to such an amount as the house shall seem meet." Ordered to lie on the table.—A petition of the committee of the company of merchants trading to Africa, was presented to the house setting forth, "that in consideration of the various increased expenses of the establishments in Africa, and the cost of the articles required for the payment of the same, parliament was pleased to grant a sum of 18,000*l.* for the support of the said establishments last year, which sum has been invested for that purpose; and therefore praying the house to grant the petitioners the like sum, for the support of the said establishments." Ordered to lie upon the table.—Lord Temple rose to observe, that an omission, that might have been attended with much inconvenience, had taken place in the Corn Regulation bill of last session. No clause, allowing the export of corn to our garrisons abroad, had been introduced into it. To remedy this omission, he gave notice of his intention to move for leave to bring in a bill, permitting such exportation, on Tuesday next.—Mr. Alexander brought up the report on lord St. Vincent's bill. The resolution, that the

should be extended to the two next heirs of the peerage, was read, and a bill ordered to be brought in accordingly.—Mr. Johnstone stated, that several important papers relative to the affairs of India had been laid before the general court of proprietors by the court of directors, which it was material to have before the house; and therefore gave notice, that he should on Monday next move, that these papers be laid on the table.—On the motion of Mr. Vansittart, the former orders of the house for the production of certain accounts relative to the augmentation or diminution of salaries, &c. in the public offices in Great Britain and Ireland, were discharged. He then moved, that there be laid before the house, an account of the increase or diminution that may have taken place in the number and amount of the salaries, emoluments, and expences of the different public offices in Great Britain, to the 5th Jan. 1806, specifying the dates of such increase or diminution, and the authorities for the same. Ordered. A similar order was then made for Ireland.

[AFFAIRS OF INDIA.] Mr. Alderman *Prinsep* rose, to make the motion of which he had given notice yesterday. The object he had in view was to ascertain the proportion our commerce with India bore to that with China, and the relative amount of the capital borrowed in India, for the prosecution of each trade. He had another object in view, which was to ascertain whether the amount of stores was or was not included in the account of territorial revenue applied to commercial purposes. He conceived it very material to have these objects elucidated, and he thought they would be explained by these papers. He moved, therefore, "that there be laid before the house an account, shewing the annual amount of stores and merchandise respectively exported by and for the service of the East-India company to India, from the year ending the 1st of March 1793, to the 1st of March 1804; together with the expenditure and sales thereof at each presidency, and the respective balances in store and afloat, on 30th April 1793, and 30th April 1803, as far as the same can be made out. Also, an account, shewing the annual amount of bullion, stores, and merchandise, respectively exported by and for the service of the East-India company to China, from the year ending the 1st of March 1793, to the 1st

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of March 1804; together with the sales thereof at Canton, and the respective balances in store and afloat on 30th April 1793, and 30th April 1803, as far as the same can be made out."

Mr. *Francis* seconded the motion. He was determined to second and support every motion, the object of which was to obtain information of the commercial and financial affairs of the company, unmixed with political matter, and thus to promote the great point he had so long looked to, to save the company from ruin, and with the company the country, which would have to bear the burden of the ruin, if the company should fall. He complained, that the directors never gave an answer, even when papers of the slightest moment were moved for. The board of controul always came forward, or one was always referred to that board. The constitution of the company required, that the directors should act in the first instance; and that the board of controul should interfere only when it was necessary to check them. He did not like that the court of directors and the board of controul should act together as they had done for some time. This had not so much the appearance of a laudable harmony, as of a secret understanding.

Mr. *Hiley Addington* thanked the worthy alderman for having given notice of this motion, a consideration which he hoped the house would think due to a new board, yet unacquainted what papers ought or ought not to be produced. He saw no objections to these papers; only, as an account of the bullion exported to India had been already ordered, it would be advisable to omit it here. These papers, however, could not be produced very soon, as the clerks were employed in preparing the accounts for the India budget. The board of controul did not wish to interfere with the court of directors; but, as a great responsibility rested upon the board of controul, it wished to discharge its duty; this, however, without interfering with the proper objects of the company's care, and without resisting the production of any necessary information.

Sir *T. Metcalfe* said, that however much the hon. gent. who seconded the motion might vaunt himself the company's friend, he never could consider him as such. As to the reserve shewn by the court of directors on motions for papers, it was sufficient to state, that all the papers were in

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the office of the board of controul, and that no director could, without a violation of his oath, produce any one paper without the consent of that board. The East-India company was not an insulated company, but a company whose interests were blended with those of the country. He would avail himself of this opportunity to explain the capture of the letters in the Hope Packet, dwelt on in such a criminal manner by the hon. gent. on a former night. The Hope was a country ship, taken up by the government of Bengal to bring home the dispatches. On her passage she fell in with Linois, in the Marengo, accompanied by the Pelle Poule, by whom he was taken. The boxes containing the dispatches were prepared to be sunk, with sand bags tied to them. The captain did not arrive here till July, 1805, when he underwent a short examination, as every captain in the company's service did, however fortunate his voyage might have been. Captain Dunbar, of the Hope, stated, that a chain-shot had cut the ends that fastened the sand bags to some of the packages containing the letters: and thus these packages floated when thrown over-board, and were picked up.

Mr. Francis warmly replied, that the dispatches, even if shot away, could not have floated, if loaded with chain-shot, as was the custom in his time: but, if the house were satisfied with the strange explanation now given of it, he had done with the business; though *prima facie*, a communication of intelligence to the enemy was a high crime and misdemeanour; and, if done deliberately, which he did not think to be the case in this instance, would amount to high treason. But, whatever he might think of that transaction, he believed it to be true, that the court of directors was under the guidance of his majesty's ministers. The hon. baronet seemed to mean, on other occasions, as well as the present, that he was the enemy of the East-India company. Whoever thought so, should bring it forward boldly, in the way of accusation; and, if defiance and challenge could do any thing with the hon. baronet, he would defy and challenge him, or any man, to bring forward and substantiate such a charge against him.

The Speaker here reminded him that he was out of order.

Mr. Francis then said, he must submit to authority; but would beg leave to state, in explanation, that he still continued to

think and assert that in all motion papers, the court of directors was utterly nothing.

Sir T. Mordaunt's explanation, said as the hon. gent. often wanted him to be the true friend of the East-India company, he considered it no attack or to say, that he never thought him. After this, the motions were agreed.

HOUSE OF COMMONS.

Saturday, March 1.

[WITNESSES' INTEMPERITY BILL.—*NOTION OF THE JUDGES.*] The order of the day was read for the remainder of the day. The learned Judges delivered their opinions *seriatim*, upon the question of yesterday, the general effect of which was, "whether, according to law, a witness is to answer questions relative to the issue in issue, the answers to which do not to accuse himself, but establish, or to establish, that he owes a debt recoverable by a civil suit?"

Mr. Baron Thompson said, he could find nothing in any of the legal writers was satisfactory on the subject involved in the questions referred to the Judges from the best consideration which he was enabled to give the subject, he was of opinion that a witness, under the circumstances mentioned, was not compelled to give evidence of facts which might afterwards be used against himself.

Mr. Justice Heath, as a general law, was of opinion, that witnesses in such circumstances, were compelled to answer.

Lord Chief Baron Macdonald deplored the consequences which would ensue from the establishment of such a principle, that a witness was not compellable to answer where that answer might tend to knowledge a debt recoverable by civil law, as in that case a witness interested in the sum of five shillings, by refusing to give evidence might defeat the justice of a party to ten thousand pounds. The court in which it was his lot to preside would also be productive of the worst consequences, as in revenue causes would on such a ground very frequently demur and prevent the truth from being ascertained. Judging from precedent and from the law and reason of the matter, he concurred in opinion with Mr. Heath.

Lord Chief Justice Mansfield went into considerable length into a contrary

argument. He had ever considered it as an established point of law, that a witness was not compellable to answer any question, the answer to which might subject him to a civil action. He travelled the western circuit for many years, at a time when the Judges who usually went that circuit were lawyers of the greatest eminence, as were also the leading counsel who went that circuit, and he was as fully convinced, as that he was then addressing their lordships, that all those eminent lawyers were of the same opinion. The same opinion he always understood to be entertained in Westminster hall, and it was so decided by lord Kenyon in a case, where an action was brought by a person against another who had been his clerk, for money alleged to have been received for the use of the plaintiff. The defence was that the money had been paid over to another clerk of the plaintiff's, of the name of Wright, who was authorized to receive it. Wright was called to prove this, who stated that no money was due from the defendant to the plaintiff. The counsel for the plaintiff (Mr. Erskine) then asked the witness if he knew of any other person who owed money to the plaintiff, but was stopped by lord Kenyon, who immediately declared that the witness was not bound to answer against himself. This therefore seemed to be a point of law so clearly established, that there had been no doubt about it. The reverse of such a principle would, in his opinion, be productive of the worst consequences. Besides the case of lord Keith, which had been already mentioned, he remembered a case which happened in 1771 or 1772, where a gentleman from India, in consequence of some acknowledgments which he made in evidence before a committee of the house of commons, was subjected to two actions where the proof against him consisted of the evidence given by himself, and in which he had a verdict against him for 2,000*l.* in one action, and 1,000*l.* in the other. After going through a variety of other arguments, he concluded by giving it as his opinion, that a witness under the circumstances mentioned, was not compellable to answer.—After the learned chief justice had delivered his opinion,

Earl Stanhope rose, and observed upon the very material difference of opinion among the Judges. They differed, not only in principle, but as to the extent of particular rules. The inconvenience of leaving

the law in its present uncertain and unsettled state, was too obvious to require illustration. He would suppose a case, which would put this in the clearest possible light. Suppose a case were to come for decision before two Judges of opposite opinions; on this, their opinions would, of course, be stated different ways. One would decide, the witness should be allowed to demurr; the other, that he should not! How would this appear? He had no difficulty, in his opinion, of what the law ought to be. What he proposed was, that the witness should be fully examined, but that his evidence should not be brought against him. Under this impression he had, as he gave notice on a former night, prepared a short bill, the general title of which, his lordship stated to be, "An act for the more effectual discovery of matters to be given in evidence," &c. and which went to provide, that when any person shall be examined as a witness, in any court, or before any magistrate, or other person, the evidence which should be given, should not, upon any pretence, be produced against him in any criminal prosecution, &c. The noble earl then presented his bill, which he moved should be now read a first time.

Lord Eldon observed, he should not oppose the first reading of the bill, such a proceeding not being customary in that house. He would, however, say, such a bill would require a great deal of consideration; and possibly it should necessarily undergo a great deal of alteration, before their lordships could, with propriety, agree to it. With respect to what had been stated by some of the learned Judges, in one point of view, he would declare, upon his professional word of honour, until he heard the note read from Mr. Peake's book, though he had lived thirty years in the profession, and officiated in different departments, where he had to institute examinations as to every point of law, he could declare he never heard the right of such a privilege contended for; and he believed a noble lord, now in that house, though there never lived a man who had more extensive practice at common law, never heard such an objection. He would not refer to what might occur to particular Judges, on particular circuits; but in Westminster-hall, where all the Judges were assembled, from all the circuits, he had never heard such an objection started. The practice on one of the western circuits

had been adverted to; he should, however, as a north-country man, never wish to see, in that respect, the northern circuits assimilated to the western. His own opinion, upon the point in question, was well known. At present, however, the matter which occasioned such a difference of official opinion, should be prudently and wisely set at rest: they were not, because they perceived the impending mischief, to decide too hastily, with respect to the mode of remedying the evil. The principle held forth was, that an individual was never to be called upon for what would directly, or circuitously, put him in hazard: to obviate that by a bill, which said, that an individual should make discoveries, and then that nothing of these should be brought against him, would be expecting too much; as in ninety-nine cases out of a hundred, through the intervention of a third person, or some other means, the witness may be got at, through the medium of such discoveries; at the same time, he felt it of the utmost importance, that care should be taken, that their fellow subjects should understand their real situation in that respect.

The *Lord Chancellor* (Erskine) left the woolsack. He felt it his duty to communicate his sentiments on a subject of so much consequence to the proceedings in courts of law. He had been for seven-and-twenty years engaged in the duties of a laborious profession, and while he was so employed, he had the opportunity of a more extensive experience in the courts, than any other individual of his time. It was true, that in the profession there had been, and there now were, men of much more learning and ability, than he would even pretend to; but success in life often depended more upon accident, and certain physical advantages, than upon the most brilliant talents and profound erudition. It was very singular, that, during these twenty-seven years, he had not for a single day been prevented in his attendance on the courts by any indisposition, or corporeal infirmity. Within much the greater part of this period, he had been honoured by a gown of precedence, and in consequence of this privilege, had not only been engaged in every important cause, but had conducted causes of this description during that period in the court of King's Bench. But with the history of his professional life, their lordships had no concern, otherwise than as it was connected with the pre-

sent enquiry. For this purpose it was material to declare, that, although his experience was equal not only to any dual Judge on the bench, but to Judges, with their collective practice that he never knew a single objection have been taken to an interrogatory proposed, because the reply to it would make the witness responsible in a civil suit was true, that in Mr. Peake's book, had been frequently cited on the occasion, there was a note by which it should appear that an objection of that kind had been taken by the late chief justice Kenyon; but, notwithstanding the high opinion of the minute accuracy of that reporter, he felt that he had, in this instance, been guilty of a mistake on two grounds: 1st, because he himself had been counsel in the cause, and had no recollection of the circumstance; 2dly, because, if that note were correct, lord Kenyon must have been guilty of an obvious contradiction of his own principles and sentiments, as they appeared on the face of the same report. The lordship was of opinion, that the bill proposed would not effectually answer the purpose intended by the noble mover, most heartily concurred in the objection, most materially differed from him as to the means of effecting it. Notwithstanding some difference of opinion among the authorities, among persons for whom he had the greatest veneration, yet he did not help thinking that the law itself was unembarrassed from these contradictions. He considered it so far precise, clear and perspicuous, that it was necessary that the law should be promulgated, otherwise in the form of a declaratory law, by which it should be announced what had been the law, what was the law, and what ought to be the law, and what should be the law of the land as to this important part. On these grounds he could not assent to the bill now suggested; and another noble lord, more competent than himself, would undertake the business, should himself move a legislative proposition, with the view to place the question ever in repose.

Lord *Ellenborough* perfectly coincided with the sentiments of his noble and learned friend on the woolsack. The latter part of his existence had also been devoted to the same arduous duties, and he had attended a circuit the largest in extent, and the most comprehensive in the vari-

its business; but neither in the course of his experience on his itinerant duties, nor during his constant application at Westminster-hall, where he might say he had been engaged in almost every important cause, nor since he had been called by his majesty's pleasure to the bench where he now had the honour to preside, did he recollect a single instance where the objection had been taken, that the answer of the witness would place the deponent in a situation of responsibility to a civil suit. It was true, that where the reply to the question would expose the witness to the consequences of a criminal prosecution, his lordship always felt it his duty to caution him from the bench; but even in that case, partial communications must not be made, the testimony must not be garbled; if a portion were imparted, the whole evidence must be disclosed; and so it was held by the noble and learned lord whom he had the honour to succeed, with much inferior powers. Although he perfectly agreed with the noble mover on the necessity of some legislative measure, yet he thought the bill now read, would be inadequate to the object proposed; it therefore would not receive his support.

Earl Stanhope considered his bill capable of comprising every object suggested by the noble lords who had opposed it, and said, that he should move for the second reading on Tuesday next. In the mean time, it was ordered to be printed.

HOUSE OF LORDS.

Monday, March 3.

[CONDUCT OF JUDGE FOX.] The Marquis of Abercorn moved the order of the day for resuming the adjourned debate on his motion of this day se'night, for the attendance of several witnesses on the 28th of April, relative to the pending case of Mr. justice Fox. He adverted to what had taken place on a former evening; and when a noble lord (Grenville) then in his place, high in his majesty's councils, had suggested the expediency of a short delay, to give noble lords time and leisure to consider of the proposition, he expected, that he would come forward, and assign his reasons for wishing such a proceeding to take place. From the respect which he entertained for that noble lord, joined to the consideration of the delay proposed being merely nominal, with reference to the effect of a proposed order, which was to take place two months hence, he was induced

to comply freely with that suggestion. He now deprecated any farther postponement of the consideration of that proposition. Their lordships would consider, that repeated and solemn discussions of the house had taken place upon the subject; that they not only heard and examined a great deal of evidence, but that the house was pledged, by its legislative act, to continue the proceeding. He was at a loss to conceive what reasons could be assigned for any further delay, or why the proceedings should not go forward with expedition and effect, as far as was consistent with the bare convenience of individuals, and the solemnity due to the nature and magnitude of the case. It was important they should, as far as in them lay, proceed to bring a case of such peculiar importance to a farther hearing, and a final decision. When he considered the high situation, not only of dignity, but of responsibility, in which the noble lord stood, and the parliamentary and constitutional character with which he was invested, he was unwilling to suppose that his first parliamentary measure and trial of strength, would be an attempt to interfere with the course of an important judicial process before that house, which had been solemnly instituted, commenced, and some progress, though with no great degree of expedition, made in it. These were not the only reasons which should determine their lordships upon the present occasion. Not only the eyes of this country, but especially those of the people of Ireland, were turned to that house, with respect to the proceeding; it was regarded by them as a progressive endeavour to redress important grievances, and to enhance the security of the rights and privileges of his majesty's subjects in that country; the first attempt which had been made for their effectual protection, since the incorporation of their parliament with that of this country. This was but one side of the case under consideration. On the other hand it was to be recollected, what was due on the score of impartial justice to the learned gent. whose conduct was the object of the investigation; they were aware of the evidence which had been adduced against him, and of course he should, in justice, be afforded an opportunity of controverting, of rebutting, and refusing it, if it were in his power. He wished that every opportunity should be afforded him for these purposes, as certainly his character was deeply implicated in

the matters of charge. He should, therefore, without troubling their lordships with any further observations upon the case, move to have the question put. He had, however, to apprise the house, he should have to move for the attendance of a few more witnesses, when he could ascertain the number which may be spared.

Lord Grenville said, he could assure the house, that he had nothing more in view in the course he had adopted, with respect to the affair in question, than the interests of the country, and the ends of substantial justice with respect to all parties, which he wished to be attained, in the mode that was most consistent with the laws of the land, and the practice of the constitution. It was in reference to these great objects, that he wished for some interval of delay in deciding upon what the noble marquis had proposed; it also arose from a difficulty which he then felt, and continued to feel, as to the course, circumstanced as the case then was, most proper to be pursued. Were he called upon to give a decided opinion, it would be that which he had more than once expressed last year; namely, that every step which had been taken in the business, had been in a wrong, and, as he thought, an unconstitutional course; in this opinion, he was confirmed by every research he had made, and every degree of study he had given to the subject. He was by no means ignorant or unmindful of those difficulties, and embarrassments, which the case, as it now stood, involved. He was also fully aware of its magnitude and importance. He felt all the difficulty of the consideration of breaking it off, or discontinuing the proceeding, after having entertained it so far. The question was therefore a great and important one, in a variety of views, not only as it respected individuals in Ireland, and the character of the personage accused; but as it involved considerations connected with the honour and character of the house. Upon the whole, he was not ashamed to say, the difficulties still continued to operate upon his mind, which was not yet prepared or satisfied as to what was proper, or ought to be done, or what course ought to be adopted. He felt it incumbent on him to put in this protest in behalf of the opinions he had formerly avowed; with regard to the express motion, it being to operate upon such a distant day as the 28th of April, which would afford their lordships ample time for intermediate consideration, he should not then resist it.

Lord Auckland observed, that with respect to the motion, were he to decide upon it, it should be in the negative. He was by no means satisfied with the course that had been adopted, and every thing he had since been able to learn, or collect, tended to confirm him in such an opinion: that house, he thought, was not competent to entertain a proceeding of the kind, and therefore he should be induced to resist it in every stage. So strong was the impression upon his mind, that he had recorded his sentiments upon the journals last year. He not only regretted it had ever gone so far, but he was sorry it was ever entered upon in that house; and he believed that few who heard him, would not wish it well out of that house. In concluding, his lordship adverted to the immense expence which had been already, and in all probability would still be incurred in the prosecution of the affair, a great part of which, he thought, would be ultimately paid by the public.

Lord Hawkesbury did not wish then to enter into a retrospective view of the affairs in question; they had been principally to consider the situation in which it now stood; in this view of it he seemed to deprecate all idea of stopping short. It was impossible for any person to read the case in evidence, which lay upon the table, and not see the absolute necessity of proceeding in the investigation of it. Not only with a view to the rights and interests, but the character of all parties concerned; even the credit and character of the house were involved; it was, therefore, in all these points of view, proper to proceed, thoroughly to investigate the case, and come to a decision upon it. He had given the best attention in his power to the business, and was ready to say, that even a respect for the character of the learned judge in question should be an additional inducement to their lordships to continue the investigation.

The Earl of Buckinghamshire, after shortly adverting to the sentiments he had formerly declared upon the subject, observed, he could consistently, in the present state of the case, vote for a suspension of the proceedings. He alluded to what had been adduced in evidence, and upon record against the learned judge in question, and the degree of publicity it had obtained, which should be a consideration to determine their lordships not to leave the case in such an unfinished state.

The Marquis of Buckingham appeared

rather to view the case as it stood at present before the house, and adverted to the ill consequence of stopping short. In this consideration, he seemed to think the character and estimation of the house were also involved. The proceeding in these different points of view, was, he agreed, of great importance. The opinions he had avowed as to the origin of the business, and the question of its being properly entertained in the first instance, by their lordships, he still retained. But the case, after what had been done, now stood in a different situation; this he threw out for the consideration of the house: under the impression, however, which, upon the whole, he felt, respecting the affair, he could not consistently assent to the motion.—The question was then put, and the witnesses originally named in the motion, were ordered to attend on the 28th of April, accordingly.

[**LORD ELLENBOROUGH'S SEAT IN THE CABINET.**] The Earl of *Bristol* rose, to bring forward his promised motion upon this subject, and spoke as follows: My lords, before I state to your lordships the views and motives which have induced me to shape the resolutions which I now hold in my hand, and which I shall this night have the honour of submitting to the consideration of the house, I feel peculiarly anxious to disclaim, in the strongest and most unequivocal manner, all party views in the step I am about to take, and I most earnestly entreat of every noble lord here present, not to consider the present question as in any degree of a party nature. For myself, my lords, I can most solemnly aver, and there are many who can bear witness to the truth of the assertion, that so far am I from being actuated by any hostile feelings towards his majesty's present ministers, that from the moment of the death of that great and illustrious statesman, whose loss has been so severely felt and so deeply lamented, no man in this house or out of it was more desirous than I was, to see the reins of government committed to the hands which now hold them; and, my lords, so sincerely were these sentiments entertained by me, so scrupulously was I disposed to govern my conduct by them; and so anxious was I, that in the present momentous crisis of the affairs of the country and of Europe, his majesty's government should enjoy the unanimous support of parliament, and of the public, that it was not till I had failed

in my efforts to obtain the object of my motion, by private and confidential representation, that I reluctantly brought my mind to disturb that unanimity, even for a single day, by the agitation of this important question. With respect to the question itself, I have no hesitation in saying, that all that I have heard, and all that I have since read and thought upon the subject, have only served to confirm and strengthen the first impression of my mind; and I feel confident, that the oftener it is considered, and the more thoroughly it is investigated, the more clearly will it appear that the situation which the lord chief justice now holds in the Cabinet, is not only unwarranted by established usage, but is in direct repugnance to those sacred and fundamental principles of policy, which can alone secure to the people of any country, the pure and impartial administration of their laws. I am aware, my lords, that there is considerable difficulty in affixing to that situation, with legal accuracy and precision, the character of a responsible minister of the crown. But, whether he is to be legally considered as a minister of the crown, or only as an adviser of the ministers, as long as he is *the associate of these ministers, and a party to their measures and their feelings*, my objections to the promotion remain in their full force, I am, therefore, satisfied to rest this part of this case upon one single observation; and, when I have asked the house whether it would endure to see the *lord chief justice hold the office of lord president of the council?* which can only be answered by the most decided negative, I would put it to the feelings of every noble lord, who joins in that negative, whether it would not be a most mischievous practice, *to separate that high ministerial station into its two component parts of power and of emolument: and, by throwing away the husk of the salary as food for baser minds, to be thereby enabled to give the power, the influence, the vital essence of the appointment, all that can be an object to enlarged ambition, all that true greatness can value or desire; to be enabled, my lords, to give this in a concealed and invisible manner, to those who could not dare to accept it in the ostensible and embodied shape of a cabinet office.*—My lords, we have now learned from authority, that it has been determined that the lord chief justice should be an habitual member of that committee of the privy council, usually called the Cabinet. The deliberations

of the Cabinet are and vestments of the Government, and I must again look to the point of view from which we must consider the common law judge as a member of the Government, and as a member of the political community. It is the duty and office of the Cabinet, in all the forms of the emergency of the nation, to be a member of the Government, and therefore necessarily to be connected with all the measures of the administration, and to be associated in the government and identified with the interests of the people and the Government. It is this close and intimate connection between a judge and the King's ministers; it is this association and identification of a judge, with the executive government, which (whatever be its legal name, I condemn and reprobate; which I hold to be contrary to former practice; to be injurious to the judicial character; to be subversive of the liberty of the people; and which, I contend, has a direct and alarming tendency to blend and to amalgamate those great elementary principles of political power, which it is the very object of a free constitution to keep separate and distinct. In searching for precedents on this subject, I have been able to find but one single solitary instance of a common law judge having ever before been placed in this situation. The chancellor, it is true, is always a minister; but his position can possibly be founded on this circumstance, in favour of the present transaction. The chancellor stands on grounds totally distinct and separate from the twelve judges, a distinction well known to our ancestors, who left the chancery power amenable at the pleasure of the crown, but referred to the judges of the other courts, then officers and emoluments for life. The chancellor, as keeper of the Great Signet, is brought into contact with the person of the sovereign; and as the great officer of state, to whose custody the great seal is committed, is necessarily, from the very nature of his office, a political character—and is, in fact, a responsible political agent of the crown, when he affixes the great seal to treaties, and other public instruments. On the other hand, it is to be observed, that the chancellor, being a minister, is not exposed to the same dangers as the case of the twelve judges. No criminal trials come before him; and it is difficult to conceive how political bias could well operate in these cases which are decided in his court. But with respect to the common law judges, the case is very

different. The common law judge, in the ordinary course of state affairs, to which I allude is that of Mansfield. I believe it is with regret that I admit it, and splendid ornament to did hold the two situation Justice of the King's Ben Cabinet Minister. But circumstances attending t pointment, which sufficient doubts which were even th of its propriety; and, it is know, that on further cons more mature reflection, t himself was so fully aware the practice, and of the od tached to it, that no solici ties could afterwards preva form a part of the executiv But, my lords, if this practic rated in the chief justices Bench, if it is to be represent in them, in whom, by the way, *culiarly dangerous and offensive* the other judges, how comes never been extended to thot in the other courts, and *we against its being so exten* A noble lord near me, wh upon the woollack, when h of taking an active share i did not act a very prudent changing the permanent situ justice of the common pleas, ous one of chancellor, if he that situation was incom Cabinet; and a noble earl, the predecessor of that not these high legal situations, anxious to be admitted int that he might be responsi which he approved, himself place in this house, that he of the imprudent and disad change which that wish nec aware as he was of the impr risk, I never heard of his avoid that risk, by a propo

as that of admitting him into the
in his capacity of chief justice of
common pleas. My lords, that noble
all knew, that it would have been at
an ungracious act, to have taken
the bounty of parliament had at-
tended the office of a judge, for far dif-
ferent purposes, as the means of screening
from that risk, and reconciling his
s and his ambition. He felt, that
about to make a sacrifice to that am-
bition, and he felt, truly, that the sacrifice
would be his private emolument, and not
the salvation of his country. My lords, I
trust, that if some speedy and effec-
tual remedy be not applied to this crying
evil, the provisions of William III. and the
present reign, for securing the integrity
and independence of the Judges, will
not operate in any other way than as
a temptation on their ambition, by enabling
them to brave the storms of the political
world without the risk of shipwreck.
My lords, if the course of precedents
and practice was far less strongly in my
favor, this is, after all, a question which
ultimately be decided by more en-
lightened and liberal views of the subject,
and considerations of expediency and
common safety, which are paramount
to precedents and all practice. In the
compass of state policy, I know of
no principle on which there has been
universal concurrence, as on the ne-
cessity of separating the judicial authority
from the executive. This is a point, about
which there can be no question. It is a
principle indisputable, and which has never
been disputed. All legislators, all states-
men, all eminent writers who have pro-
duced any judgment upon it, have con-
curred in these opinions. The remarks
of Montesquieu, on this head, are pointed
and remarkable; and such value does he
attach to the judicial power being kept
separate and distinct, that he is directly of
opinion, that when this principle is re-
laxed, no form of government can be
free, oppressive; and that when it is ne-
glected, be the form of government monar-
chical, aristocratical, or republican, pri-
vate individuals must be exposed to a
tyranny, as severe as that which prevails
in the dominions of the grand signior.
My lords, is this a principle of mere
importance and advantage; it is
a principle which goes home to the fire-side of
every private family; it is one in which is
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involved the daily comfort and the daily
security of every man in England. What,
my lords, would be the alarming situation
of any individual in this country, who,
commenting on the general transactions of
government, with that freedom which is
the birth-right of every inhabitant of the
land we live in, should thereby incur the
displeasure of government, and a prosecu-
tion, under their direction, by the attorney-
general? *My lords, he would be sent to
take his trial in that very court, where one of
the ministers whom he had accused and irri-
tated, would preside—and preside not merely
to direct and influence the jury, but eventually
in his own person, to award the amount of
his fine, and the duration of his imprisonment;*
and, my lords, let me be permitted to
state another case, and to suppose, for the
sake of argument, that the other house
should direct the attorney-general to in-
stitute a criminal prosecution against one
of his majesty's present ministers, what,
my lords, would be the sentiments of in-
dignation excited from one end of the
country to the other, *to see that minister
sent as a state criminal to the bar of a court
where his colleague sits to judge him?* I
may be told that these are cases which are
not likely to occur, and that under such
circumstances the learned judge would
abstain from attending. I desire no better
proof of the incompatibility of the two si-
tuations, than this; namely, that in order to
do his duty as a man, he must desert his
duty as a judge, or as a minister; and I
must observe besides, that I desire a better
security for the persons and property of
my countrymen, than the discretion of
any mortal breathing. My lords, the
noble lord who now presides upon the
woolsack, has long been the friend of libe-
rty and the constitution; I trust I shall
have his support and countenance on this
occasion. He cannot, I assure him, feel
more for the happiness and liberties of the
people than I do; and if we have not al-
ways agreed upon what measures we
thought the best calculated to promote and
to secure these great and important objects;
in this, at least, we cannot fail to concur,
that both are intimately and inseparably
connected with the purity and perfection
of public justice. I well know the senti-
ments of that noble lord on the importance
of trial by uninfluenced juries, and by im-
partial judges. I know the indignation
which would be kindled in his bosom,
were a single individual in the country to

attempt, by the ties of private friendship, or the influence of social habits, to tamper with a single jurymen in the most unimportant trial. I well know the jealousy with which that noble lord would have challenged, on the part of a client, the name of a single jurymen who was necessarily prejudiced in the cause, or who was, in any way, identified with the prosecuting party. In the name of the people of England, I demand that the same principles may be applied to the twelve Judges. I desire that they may not be placed in situations where they can be supposed to be tampered with by the king's ministers; I desire that they may not go down to their courts, talked over by their colleagues in office, animated by the same feelings, participating in the same interests, under the influence of the same prejudices and the same habits. Far am I from being one of those who think the atmosphere of Downing-street and St. James's so impure, that nothing can escape it unpolluted; but of this I am sure, that neither the palace nor the treasury, are fitted to be the daily resort of British Judges. No man will go further than I would in increasing their affluence and augmenting their comforts, or in opening to them the door to those fair honours which they may properly enjoy; but, in considering their interests, I will never lose sight of the more important interests of my country; nor will I, whilst I breathe, silently submit to see the Judges taken from that middle station between the subjects of the crown, and those who exercise its political functions, which is their proper sphere; and where alone they can maintain that character for independence and uprightness which his majesty was graciously pleased to recommend in a speech from that throne, as essential to the impartial administration of justice, as one of the best securities of the rights and liberties of his subjects, and as most conducive to the honour of the crown. I shall conclude what I have to urge, by reading a passage from Mr. justice Blackstone. "In this distinct and separate existence of the judicial power, in a peculiar body of men, nominated indeed, but not removable at pleasure, by the crown, consists one main preservative of the public liberty; which cannot subsist long in any state, unless the administration of common justice be in some degree separated both from the legislative, and also from the executive power. Were it joined with the legis-

lative, the life, liberty, and property subject, would be in the hands of all Judges, whose decisions would be regulated only by their own opinion, not by any fundamental principles, which, though legislators may depart, yet Judges are bound to observe, it joined with the executive, this might soon be an over-balance for legislative. For which reason, by statute of 16 Car. I. c. 10. which at the court of star-chamber, effectually is taken to remove all judicial power out of the hands of the king's privy council, who, as then was evident from precedents, might soon be inclined to pronounce that for law, which was most agreeable to the prince or his officers. It is therefore more to be avoided in this constitution, than uniting the power of a judge and a minister of state in the same person. In moving this motion, stating it as the opinion of the noble lord, that it was highly inexpedient, and would weaken the administration of justice, to summon to any committee or council of the privy council, any of the Judges of his majesty's courts of common law, the question being put,

Lord *St. John* said, he gave the noble lord full credit for his assertions, and was actuated by no party-feeling in bringing forward the present motion, or by any personal motives with regard to the noble lord who was the chief justice of the court of King's Bench. He was perfectly convinced that the noble lord had not been influenced by any consideration of that nature, nor by any embarrassment his majesty's ministers were, in fact, indebted to the noble lord for bringing forward this motion, in as it brought a subject into discussion respecting which much misapprehension had gone abroad, but which he would, by the discussion of this motion, be completely done away. The principle itself, as made by the noble lord, was of an abstract nature, and he did not think it possible good that could arise from its adoption. He did not mean to follow Montesquieu for the law or constitution of England, neither upon such a subject could he acknowledge such an authority. Surely the noble lord must have felt for the moment, the place in which he was speaking, when he advanced general principles, tending to prove, not merely the judicial and executive functions

not to be united, but that the judicial and legislative functions ought to be kept entirely distinct. Such a doctrine in that house could never be recognized as a part of the law or constitution of England, where it had uniformly been the practice to blend, in repeated instances, the judicial and legislative character. This served to prove how little, relative to the constitution of this country, could be gathered from Montesquieu. He should look to better sources for information upon that subject, namely, the Statute Book, and the practice and usage of the country. Looking at the subject in this point of view, he should trouble their lordships with a few observations as to the precedents by which the measure that had given rise to this motion, was supported, and which the noble lord had not quoted. Instead of there being only one solitary precedent, the precedents were numerous, and all tended to establish the same point. Of the period antecedent to the revolution, he should say little, because the precedents since that period might be considered as more strictly applicable. He could not avoid, however, referring to two or three cases, one of which was a statute of Edward III. which enacted the establishment of a council to assist and advise his majesty, and which expressly appointed the chief justice of the court of King's Bench to be a member of that council. A more remarkable precedent occurred in the reign of Charles II. in the year 1672, when sir William Temple advised the king to establish a privy council, for the purpose of conciliating the people, and rendering the government more popular. A privy council was in consequence assembled, consisting of fifteen persons, who held offices, and of ten members of that house, and five of the other house, who were not in office. The king addressed them at their first meeting, stating the reasons why certain persons holding offices were summoned to attend the council. The lord high treasurer, his majesty stated, was summoned to give advice relative to finance; the lord high admiral, on matters relating to the navy; and the lord high chancellor, and the chief justice of the King's Bench, it was expressly stated, to give advice to his majesty on matters relating to law. These were all the precedents anterior to the Revolution with which he would trouble their lordships, only stating by the bye the act of Henry VIII. out of which arose

the establishment of a privy council, and whose duty was stated to be to examine into matters of sedition, &c. and commit the offenders.—Subsequent to the Revolution, the precedents were numerous. The act of the 4th and 5th of Anne was strictly in point. By that act, which went to make provision respecting the Protestant succession, a regency was established in the event of the successor to the throne being out of the kingdom at the period of the queen's demise, and the chief justice of the King's Bench was expressly nominated a member of that regency, in which he was not merely to be an adviser, but himself acting immediately in an executive capacity. A similar act was passed during the minority of his present majesty, after the death of the late prince of Wales; and also after the birth of the present prince of Wales, in both of which the chief justice of the King's Bench was expressly included. All these precedents, therefore, fully recognised the principle with respect to the chief justice of the King's Bench assisting in his majesty's councils, and proved that it was an established principle in the law and constitution of the country. With respect to the objection started by the noble lord against chief justices concurring in prosecutions against, or attending the examinations of persons whom they were afterwards to try in their capacity as judges; it had been the constant practice for chief justices to attend on such occasions. Two or three precedents occurred to him at the moment; one in the year 1746, when lord chief justice Lee attended at the examination taken against several persons who were concerned in the rebellion of the preceding year, and who were afterwards tried for such offences. In the year 1780, also, lord Loughborough, then chief justice of the court of Common Pleas, attended in a similar manner upon the examinations respecting several persons concerned in the riots of that year. At a still later period, lord chief justice Eyre attended the council, on the examination against the persons who were afterwards, as it was well known, tried before the same judge. All these authorities were, he conceived, amply sufficient to establish that the measure complained of relative to the present chief justice of the court of King's Bench, was fully sanctioned by the usage and practice of the constitution. Fortified in this position, he could not yield to the general theo-

ries of Montesquieu, which, if they applied at all to the subject, applied in a much more general way than the noble lord could wish to extend his ideas upon the subject, neither could he consent to vote an abstract proposition, which could answer no useful purpose, nor be productive of any practical good.

Lord *Ellenborough*, on entering into the consideration of this question, disclaimed the idea that it was a question respecting any individual, or any administration. He considered it as a question of much superior importance, as relating to the administration of justice in this country. He felt the highest respect and veneration for the noble and learned lord (*Ellenborough*), and it would give him the greatest pain if it were supposed, that the observations he should make proceeded from any personal disrespect; so far from it, it was in order to express his respect for that noble and learned lord, that he was induced to attend upon this occasion. He did not mean to contend, nor could he hear it argued, that the appointment of that noble lord to a seat in the Cabinet was illegal. It certainly was not illegal. Neither would he say, that it was unconstitutional: but he rose to state, that, although the appointment was not contrary to the law or the constitution, yet that there existed reasons which made it unadvisable or inexpedient. The reasons which weighed upon his mind were of a delicate nature. It was not enough that the administration of justice should be perfectly free and uninfluenced by government; it was not enough that it should be pure; but it should also be beyond the reach of suspicion, and so exercised, as to give perfect satisfaction to all his majesty's subjects. There were many analogies and precedents against the uniting the functions of chief justice with a seat in the Cabinet. Although, in order to shew that it had been before united, the solitary instance of lord Mansfield might be urged, yet it must also be recollected how extremely unpopular that noble and eminent person became after he had united those stations, and how that unpopularity hung to him for the greater part of his life. Perhaps it was an ill-founded jealousy which existed in the minds of the public, but still it was sufficient to weaken the confidence they ought to place in the judicial character. For his part, he was so well acquainted with the noble and learned lord, that he felt personally the utmost

confidence that it would not, in any way, affect the purity of the administration of justice, if lord *Ellenborough* had in the Cabinet. It was not for his satisfaction, or for the satisfaction of those who had an opportunity of knowing and estimating the integrity and worth of the noble lord, but it was for the general satisfaction of the nation at large, that he thought that the chief justice ought to have a seat in the Cabinet. He disowned and disclaimed every idea of an appointment being either illegal or unconstitutional, but still he thought the expediency of it so great, that he when the noble lord reflected on it would not himself wish to retain a seat in the Cabinet. When he himself had often been consulted in examination of sedition and treason, he should be that it would not be proper for him to act as judge to try those persons whose accusations he might have advised. It might be said, that it might be so arranged that the chief justice should not sit in the Cabinet when questions were to be tried which might afterwards come before him for trial, or, if he had attended the trial, might stay away from the court on the Bench, and leave the trial to others. If he was appointed a Cabinet minister, however, became his duty to attend it was a duty still stronger for him to attend his court, for the subjects of trial had a right to the assistance of the chief justice in the administration of justice. Although in the prosecution before alluded to, the offences were against any particular administration of government, but went to overturn all government, yet he might suppose a case in which the Cabinet council might think it proper to prosecute some libel against the government, or, in plain English, against the persons composing the administration. Were such a case to come before him, he did not think it possible that the accused could be satisfied of the justice of their trial, if the judge who was then a member of that Cabinet had ordered the prosecution. The question was not, whether those who were appointed to the noble lord, as he did, would not feel perfect security in his integrity; it was whether the people at large would feel themselves as safe as if precedents and the conduct of lord chief justice Eyre had been followed. It might be said that lord chief justice Eyre had tried persons upon whose case he had

viously informed and consulted: he by no means considered that as among the most honourable parts of the life of lord chief justice Eyre. He had himself been connected with lord Ellenborough for near thirty years, by the sincerest friendship, and if even he could suppose that this personal friendship could be at all weakened by any thing which he had said that night, he still felt himself so strongly impelled by a sense of duty, that he could not avoid stating his sentiments. He thought the inexpediency was so great and so striking, that he felt it his duty to state it. Had he been in the situation of lord chief justice, and been offered a seat in the Cabinet, he should, probably, have accepted of it, but when he should have heard the objections that had been now urged, he would have resigned it. He thought that the best way of disposing of the question was, to leave it to the consideration of the noble lord himself, and he was convinced the result would be more satisfactory both to his own feelings and to those of the public.

The Earl of *Carlisle* observed, that a new sensation of alarm, which had slept for a hundred years, now began to shew itself, as if with a view to lower the new administration in the eyes of the people, to disturb that public confidence which was placed in men of such great talents and integrity as those respectable characters who composed the present administration, and to banish the joy with which all ranks of men witnessed the paternal care of his majesty, in calling forth persons of the most exalted talents to direct the affairs of the country. If all this alarm was allowed; if it was found that the public was extremely uneasy (and indeed, for his own part, he heard no uneasiness expressed any where); if this alarm, in short, was well founded, his objection to the motion was still stronger than ever, because it would not cure the evil complained of. It would go to prevent any privy counsellor from giving his advice to the king in the character of a judge. A very great inconvenience would arise from confounding the privy council with the committee of the privy council. The king had an undoubted privilege to call any privy counsellor to that committee. Because for a number of years no instance occurred of a judge being of such committee, that was no argument that the practice was unconstitutional. He never heard a complaint of any injury

suffered from a judge being of the king's council. And if any reform was now deemed necessary, let a law be passed to declare that no judge shall sit in the council. But there was no occasion for such a law; because no grievance was to be removed. He did not believe that any such uneasiness as was stated, rested on the public mind, on the appointment in question. If this motion was carried, all judges must be excluded from the privy council as well as the Cabinet. He could not avoid deprecating the moment at which this motion was made. It was necessary that the new administration, to execute the arduous duty which at this moment of danger they had undertaken to perform, should have the public voice and opinion in their favour. Without public confidence, all their talents could avail nothing. He considered this motion to be one as ill-timed and injudicious as any that that ever was made, and, if agreed to, it would be of no avail.

Lord *Boringdon* said it was a very difficult thing to ascertain the bulk of the public opinion during so short a period as that which had elapsed since the appointment in question. For his own part, he believed the measure had communicated throughout the public a general sentiment of dissatisfaction and distrust. He wanted no reform or alteration. His only object was to preserve the liberty of the subject entire, and in doing that there was no occasion to go back to the reign of Edward III. Those who were called cabinet counsellors, were the responsible advisers of the king. It was a matter of notoriety, that the lord chief justice was not habitually summoned to the council. He was also the first criminal judge in the country. The two situations were incompatible; and of all the absurd constitutions which modern constitution-mongers had adopted, none were more discordant than that of the chief criminal judge being at the same time a minister of state. Suppose the case of a book, declared by the Cabinet to be a libel on his majesty's government, and the author ordered to be prosecuted; was it fitting that such person should be tried by a chief justice who was at the same time one of his majesty's Cabinet ministers, and consequently one of the prosecutors of the very person whom he was trying? He did not wish to make the slightest personal allusion to the present chief justice of the King's Bench, but merely to argue the

question upon general principles. Arguing in this way, it was well known that the Judges of the court of common law held their offices for life, or at least could only be removed for misconduct. It might happen that a judge who was also a Cabinet minister, might, in his office of judge, administer justice with unsullied honour and unimpeachable integrity, but who as one of the king's ministers and confidential advisers, might be impeached at their lordships' bar for high crimes and misdemeanours. He would then be placed in the singular situation of attending half his time as a judge upon the bench to administer justice, and the other half at their lordships' bar to defend himself against an impeachment for high crimes and misdemeanours. It was not merely from eminent writers, that a disapprobation of the general principle of such an union of offices might be gathered, but it had met in that house with marked reprobation from the late marquis of Lansdowne, after the late lord Mansfield had confessed that he had acted as a Cabinet minister, whilst holding the office of chief Justice of the court of King's Bench.

Lord *Sidmouth* agreed with the noble lord who spoke last, and with a noble and learned lord (Eldon) who had spoken earlier in the debate, that this was a question of very great importance in a constitutional view. He also agreed with the same noble and learned lord, that it was necessary that the administration of justice in this country should not only be free and unfettered by the crown, but that the purity of it should be beyond the reach of suspicion; and if in the present instance it could be urged, that there was any reasonable ground of suspicion, he would admit that no pressure of circumstances would make the time improper for the discussion. He had felt a strong desire to reply to the noble and learned lord sooner, but had been prevented by the rising of another peer; he was happy, however, to have heard from the authority of the noble and learned lord, that the appointment in question was not illegal, and that it was not unconstitutional; nevertheless, the noble lord had said, that if he had been lord chief justice, and had been offered a seat in the Cabinet, he should not have objected to it in the first instance, but that if he had accepted it, he should have resigned it upon more full and mature consideration of the inexpediency of his re-

taining that seat. The noble and lord (Eldon) had declared his respect for the high character of the chief justice, and had stated that from motives of personal regard and friendship to him that he had that tended in his place. He must stand in personal regard and friendship to lord chief justice, he could not to any man; but that was not the position that induced him to attend on occasion. It was a sense of duty to the country that made it necessary for him to defend the conduct of his majesty's confidential advisers who recommended his appointment. For his part, if he entertained the least doubt of the appointment being strictly legal, and conformable to the constitution and to established practice, he should not have attempted to support it, although he was convinced in the present instance, it would be a serious injury to the country, to the majesty and the nation of the assistance of lord Ellenborough's councils on public affairs. He was convinced that the lord chief justice personally feel great uneasiness and regret at the public discussion that the appointment had produced. He himself was sorry that any doubts should have been entertained on the subject, or that doubts should be considered so as to give rise to a discussion which on occasion some uneasiness and alarm might be given to the public mind; but as those doubts had been stated, and were considered, it was necessary that the question should be set at rest. It appeared to him, that the tendency of the objections which had been made would be to fetter the prerogatives of the crown, to interfere with the sphere of public duty, and to deprive his majesty of the advice of persons of distinguished ability, in his privy council. Whatever might tend to withdraw from the public the great abilities of the lord chief justice, he should deplore as a public evil; but still it would be a sacrifice that might be made, if the law and the constitution required it. The noble and learned lord (Eldon) had, however, given up the point so far as to confess, that it was not illegal or unconstitutional, but considered it was so highly inexpedient, that he hoped lord Ellenborough would, on consideration, resign his situation.

inet. The subject had been for some weeks under the consideration of lord Ellenborough, and that noble and learned lord had not pleaded "guilty" to the charge of having accepted a situation which it was not proper for him to fill. The case of lord Mansfield was by no means a solitary case, as had been stated. Lord Hardwicke had for six months united the offices of chief justice and chancellor, and during that time sat in the Cabinet. There were numerous instances of judges being privy counsellors; there were also instances of lords chief justices executing much higher offices than that of Cabinet minister; although, certainly, it was not to be expected that many ancient precedents could be found for their having a seat among that selection of privy counsellors which had been lately termed the Cabinet. In the 5th of queen Anne, a bill was passed for regulating the succession of the crown, by which lords of regency were appointed to exercise all regal functions for the term of six months, or until George I. or the heirs of the house of Hanover, should come over to this country. Among these lords regents was the chief justice. This was certainly a much more executive office than that of a Cabinet minister. A bill of such importance did not pass without the most serious discussion, and great difference of opinion; but no one ever thought of objecting to the lord chief justice being one of the regents. Again, in the year 1751, there was a council of regency appointed by an act of parliament, which was much discussed in every stage, and in the discussion of which there were several conferences between the two houses. The then lord chief justice was in this instance also appointed one of the regents, without the slightest objection having been made on account of his office. These appeared to him to be very strong precedents indeed. There had been two instances of lords chief justices having been as regents appointed to exercise the functions of royalty: there were the precedents of lord Mansfield and lord Hardwicke, who actually did sit in the Cabinet when they held the office of chief justice, and there were innumerable instances of judges having been also privy counsellors. There had been in modern times some change in the privy council. Their proceedings were now of a more public nature, and not considered so much as they had been in former times, with the arcana of government.

He believed it would be very hard for any noble lord to point out by the constitution, any difference between a privy counsellor and a member of the Cabinet. The oath of a privy counsellor went to every thing which now concerns principally the members of the Cabinet. The privy counsellor's oath, was, 'to advise for the king's honour and for the good of the people, to keep secret his majesty's counsels, and to help, strengthen, and assist every measure that should be therein resolved, to enquire into all offences against the crown and the government, and to commit the offenders to prison, in order that they might be brought to trial.' This, which was the oath of the privy counsellor, differed scarce any thing from what was now the office of that select number of the privy council called the Cabinet. What was now done by the Cabinet, was formerly done in the privy council, and the many judges who had been of the privy council were therefore then bound to commit offenders to prison, who afterwards perhaps were brought to trial before themselves. The noble and learned lord (Eldon) had said, that although in the cases where he recommended prosecutions there was a conspiracy, not only against the existing government, but against all government, yet that he could conceive a case wherein the Cabinet might order a prosecution for a libel against the ministers, and in such case it would come to be tried before a chief justice, who was himself one of them. It would be as natural a case to suppose a libel against the privy council, which might be deemed a proper subject for prosecution. The same reason then which would prevent a judge from having a seat in the Cabinet should also prevent him from being a privy counsellor, but he would venture to say, that the objection had never been made before the present day. It was allowed, however, that the appointment was not illegal, and therefore it did appear to him that merely to say it was inexpedient, appeared something like a personal objection. If the thing was improper in principle, a bill should be brought in to prevent it for the future; but for his own part he saw no inexpediency, and could perceive no other consequence likely to follow from the adoption of the motion, but the loss of the great talents of the noble and learned lord whose appointment was the subject of the present discussion. He was not, however, much afraid of the

public mind being much agitated or alarmed, with respect to the determination of the present question. The country was very lately in considerable alarm respecting its most important interests, but that alarm had considerably diminished, and in a very few days he was sure would disappear, and give place to the confidence that was due to that assemblage of talents and virtue which his majesty had united in administration. The people of this country were not attached to new theories and innovations, but were contented to preserve their excellent constitution in the state they found it before the present question; he was convinced the general feeling was satisfaction at finding a man of such great abilities as lord Ellenborough called to his majesty's councils. The noble and learned lord (Eldon) had said, that he was perfectly convinced that the possessing a seat in the Cabinet would not at all influence the judicial conduct of the chief justice: he felt convinced that the people at large were of the same opinion, and that the administration of justice under him would not only be pure, but above all suspicion. The people knew well, that a judge exercised his functions under the eye of public observation. He could not lift up his eyes and look in the face the jury and the respectable and eminent men in the profession of the law, if he was not conscious of the most perfect purity in his motives. This public observation was a most wholesome and salutary check and controul over the judges and all the magistrates of the land. Although the chief justice might have many political adversaries, he did not believe there were any who could reasonably entertain a doubt or suspicion of his being influenced in his functions as a judge, by his political situation or connections. Of the many great men who had presided in the court of chancery, lord Somers, lord Hardwicke, lord Thurlow, and the noble and learned lord (Eldon), he never had heard the slightest suspicion thrown out that their conduct in their legal capacity was at all influenced by their political connections. And yet, it appeared to him, that the situation of lord chancellor was much more dependent upon the crown than that of lord chief justice. The lord chancellor could be removed at pleasure. The situation of lord chief justice was for life. Besides, that the lord chief justice decided instantly the cases that came before him, there was no opportu-

nity for private communications made to influence his determination; he was bound to determine by a precise the *lex scripta*; whereas the lord chancellor must determine, in a great measure the general principles of equity which in his own breast. If, therefore, it were to be put entirely as a question of prudence, he could see no reason why more inexpedient, generally speaking, a lord chief justice should have a seat in the Cabinet, than that the lord chancellor should sit there. For these reasons he felt a perfect conviction in his mind that the motion could produce no beneficial effect; but that it would only tend to exclude his majesty from calling to his council, many men of great abilities, diminish the number of those who would naturally be looked to for advice and assistance. The noble lord concluded by declaring, that, under these impressions, he felt it his duty to give his negative to the motion.

Lord *Mulgrave* professed to feel great respect for the character of the noble and learned lord (Ellenborough) in his judicial capacity, but disapproved of the uniting in the same person the very opposite characters of minister of state and judge in a criminal court. He was not disposed to meanly wish to agitate this or any other question with a view of diminishing the confidence that he thought it necessary for the present government should have in the actual circumstances of affairs. On his part, he felt no want of confidence in the present government; but, from jealousy of the present government, he saw the noble lord (Grenville) at the head of it. There were parts of the administration which, if they stood alone, would not have obtained his countenance; but, united as they were, he saw no reasonable ground for jealousy or suspicion. As to the word "Cabinet," although it might have been but lately introduced, still it was a term that was generally understood, not only in this country, but over Europe. The members of the cabinet were considered the responsible ministers of the crown, and the lord chancellor in that capacity, might be brought to the bar and impeached, when his removal might be necessary in the King's service. As to his judicial capacity. As a minister of justice, his majesty might be addressed to remove him from his presence and councils for any misconduct; yet, as lord chief justice, his majesty could not remove him, as long as in his

capacity he should conduct himself without reproach. It was for these reasons that it appeared to him generally inexpedient that a lord chief justice should be called to a seat in the Cabinet. As to lord Ellenborough, personally, he had a great respect for his character as a judge, but he did not know what great service was to be expected from him in the Cabinet. As to his knowledge or experience as to matters in law (great as it undoubtedly was), yet the government did not appear particularly to be in need of that legal advice, when they had a lord chancellor who had such extensive experience of the law, and when they could be assisted by the advice of the attorney-general and of the solicitor-general (Mr. Romilly), who had perhaps as much experience in equity as the lord chancellor had in the courts of law. As to general politics, it could not be supposed that lord Ellenborough had more knowledge of the subject than any other man in the kingdom, of a cultivated mind. His professional habits must have prevented him from giving as much attention to these subjects as other persons; and, in point of fact, while he had been in parliament, whether as attorney-general in the lower house, or as a peer in that house, he had taken very little share in questions of general politics. He therefore could not see what necessity there was for giving him a place in the Cabinet. —But, in truth, the situation of a Cabinet minister, was totally incompatible with that of chief justice; since, to mix with the provisions, enquiries, and directions for a prosecution, was inconsistent with the unprejudiced trial afterwards. It was, for instance, not unusual for the Cabinet to order the trial of persons for libels on foreign princes; what would be the consequence, in that case, of a trial before such a political judge? If on the conviction of some such writer, the judge were to pass a severe sentence upon him, might not the public justly complain that he was sacrificed to the political motive of standing well with such foreign prince? And if, on the contrary, a lenient sentence was pronounced, might not the prince ascribe the circumstance to the government with which he was politically connected? A chief justice of the King's Bench held his situation independent of the pleasure of the crown; not so a member of the Cabinet. In every way, therefore, it was an appointment which he could not sanction

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with his approbation, and he should certainly vote for the motion of the noble earl.

The Earl of *Carnarvon* had not heard an argument that tended even to stagger his mind on the propriety of the appointment. He considered the motion as a thing unprecedented in British history. It was a direct attack on the king's prerogative, and went to take from his majesty his undoubted right of calling to his confidential councils the person of whom he approved. It differed materially from a motion for an address to remove ministers whose measures were disapproved of; since here the person alluded to had only been appointed a few days, and no allegation was made against his general character. It was a curious reason, that, because he was called to the committee of privy council called the Cabinet, he was less fit to discharge the office of Judge. All state trials were ordered in the privy council; and, from time immemorial, the chief justice of the King's Bench had been a member of the privy council. He said they would find upon reference to our history, from the earliest periods, that the chief justices had been consulted as statesmen. They must not take it from the revolution only, for our constitution, in this respect, was long antecedent to that epoch; and it was full of instances of this kind. He animadverted on the passages in Montesquieu and Blackstone, and contended that they must not take the mere theories of writers, against the invariable practice of the government.

Lord *Eldon*, in explanation, stated that he did not say that he would have advised the noble and learned lord to have declined the appointment to a situation in the Cabinet, but that he would have recommended him to re-consider the proposition.

Lord *Hawkesbury* said, that the importance of the subject compelled him to obtrude himself upon their lordships. No question more interesting could have been offered to their lordships, not merely on account of its connection with the lives and liberties of the people of this country, but it was important also in another point of view. It was one which vitally touched the very essence of the constitution. Before he addressed himself to the question, he would take an opportunity of declaring, that he did not yield to any one in that house in personal respect towards the noble and learned lord against the expe-

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diency of whose appointment the motion of his noble friend was directed. Looking at the question as a question applying to lord Ellenborough, he would say that nothing would afford him more pleasure than to see lord Ellenborough, as lord Ellenborough, a member of the Cabinet, though he could not bring himself to approve of his being there as chief justice of the King's Bench. He had the honour and happiness of knowing that noble and learned lord well; on many great points he knew that their opinions concurred. In the present administration, to which, whatever might be thought, he had no hostile disposition, there were many of the appointments which he approved, and into which he should have considered the introduction of lord Ellenborough, were it not for his situation, as an arrangement highly desirable. He was persuaded, that while that noble and learned lord made part of the administration, that he would never allow the principles for which they had jointly contended, to be beaten down. The question to his understanding might be considered in three points of view; either as relating to the constitution; as it respected the particular instance; or as the arguments drawn from analogy applied to it. He would not look to any foreign writer for the principles of the British constitution; but upon the general principles of liberty, he could have no objection to consult so eminent a writer as baron Montesquieu. What was his opinion upon the division of political power in a state? It was this, that it was more advisable that the judicial power should be separated from the executive, than that the legislative authority should be distinct from the executive. Such too was the opinion of that admirable writer judge Blackstone. For himself, he was not such an extravagant theorist, as to wish to push principles beyond practical utility. The course which a wise legislator would adopt, would be to make the exceptions to his general principle, not as numerous, but as few as possible. In his conception, there could be no union more dangerous, than that of a judge and a minister of state; and such, to all intents and purposes, was the present chief justice of the King's Bench. He was, and of necessity must be, identified with those who constituted what was called the government, in danger of becoming a party to all their passions and prejudices; and giving him, as he did,

full credit for the utmost purity, it impossible, that, in questions bet government and individuals, he could be considered as an unbiassed judge. He would pose the case of a libel published against the administration of the country of which lord Ellenborough made a part, was brought before him, what an awkward situation would be placed, sitting in judgment upon a case in which he was actually committed against himself. In cases of riot too, arising from the necessity of provisions, and to suppress which the government might possibly have recourse to strong measures of authority; it would be advisable that one of the Cabinet ministers should be sitting as judge to try the persons who should be found guilty of transgression against the laws applicable to such a case. His noble friend had said, and truly stated, that there was but one instance since the revolution, of a common law judge acting as a Cabinet minister. Why did he begin his researches from the revolution, but for this reason, that only from that period that the independence of the judges commenced? In the period there was only the solitary instance of lord Mansfield, for he could not call lord Hardwicke's case as a fair precedent, as he did, for certain reasons. At the time, the offices of chancellor and chief justice together. With regard to the particular case, if there had been any circumstances which made it necessary, and such he would admit might be, to call lord Ellenborough to the Council, their lordships would not have been bound by the present motion. The case of a chancellor having a seat in the Council bore no analogy whatever to that of a judge, for the jurisdiction of the Council in no degree applied to criminal law, and the chancellor was removable at pleasure, because he was a Cabinet minister; but the judges nor the master of the rolls were removable, because it was not intended that they should ever become responsible to the crown. With regard to the arguments drawn from the two regencies, he would observe, that one of them was acted upon, and the other only for a time. A noble and learned friend, who spoke early in the debate, said that it was neither illegal nor unconstitutional. He knew how difficult it was once you admitted that a thing was illegal, to prove that it was unconstitutional; but he would contend, that the appointment of the chief justice of the

Bench, of a common law judge to a seat in the Cabinet, was not congenial with the pure principles and practice of the constitution. He should be sorry to see that respect which was due to the sacred character of a judge, diminished by such an innovation upon the constitution. Whatever might be the decision of that house, it could not be concealed that the general feeling of the country was against the appointment.

Lord Holland replied to the different lords who had supported the motion. He said, that a most artful attempt had been made to confound things which were in their nature separate; and to separate those which were in truth the same. It had been ingeniously attempted to make an active, ostensible minister of the king, and a person merely summoned to a committee of the privy council, one and the same thing, though nothing could be more separate and distinct. And next, it was attempted to make a member of such committee and a member of the privy council separate and distinct characters, though they were really one and the same. The artful meaning of this was, to fabricate a supposed responsibility which did not exist and was not known to the constitution. It was to endeavour to make a mere confidential counsellor of the king responsible equally with an actual, efficient, ostensible minister, in a particular department. The constitution knew no such thing; no measure could take place, no act could be done but there was one active responsible person to whom parliament and the country had to look for it, and who must answer for it if wrong. This might suit some of the members of the late unfortunate administration, but it would not pass; and let not the noble earl (Mulgrave) imagine that such a subterfuge could avail. If a majority of the other house of parliament, for instance, were to bring up articles of impeachment against the rash, unprovoked, injurious publication of treaties, letters, and papers, by which the good faith of the country was violated, its honour and reputation tarnished, and by which it was likely to be for ever cut off from all confidence, communication, or correspondence, with any other country in the universe: by which too its friends and allies, those who had been drawn in to make common cause with us, were to be ruined and undone; by which our and their implacable enemy was to be furnished with arguments

for completing their ruin; as, for instance, by the mention of Naples, to furnish Bonaparte with the proof that that unfortunate country was, from the beginning, engaged on our side. If such articles of impeachment were to be brought up from the other house, do not let the noble earl fancy, that the responsibility could be frittered away, by being divided over all the Cabinet of which the minister for foreign affairs was a member. No; the house would look to the sole and responsible man, recognized by the constitution, which abhorred the idea of a prime minister. If this were not the case; if the individual who not only advised, but personally acted on the occasion, were not responsible in himself, then there was an end to all the securities which were proffered by our constitution. There was also in fact an end to all the boasted liberties of the people. It appeared, according to the opinions expressed by some of their lordships, that it was impossible for any thing like freedom to exist, if the judicial and executive authorities were in any degree united. Their separation, it had been observed, was attended to even in Turkey. He acknowledged that he never had heard of Turkish judges being employed on a diplomatic mission, though an instance of that kind had occurred in a country whose constitution, in many respects, resembled our own. Mr. Jay, who concluded the treaty between this country and the united states, was, he believed, a chief justice; of course, if the doctrine laid down by the noble lord opposite to him was true, Turkey was a land of liberty, and the government of the united states one of the most despotic in the world. Lord Mansfield sat in the same Cabinet with the late earl of Chatham, but it appeared that noble lords on the other side were become so delicate, that they could not now stomach what that great man thought perfectly consistent with the constitution. It was said that regency acts did not afford precedents in point, as they were passed on extraordinary occasions, and intended for only short periods. The last bill of that kind, however, which passed, was in contemplation of a minority which might have continued for 15 or 16 years. The noble lord, then, must suppose that the present administration would last longer than that period, and he was happy to draw from his opinion so favourable an omen of its duration. From some opinions which had been declared on this

question, he was at a loss to conjecture what idea some noble lords had formed respecting the judges of the kingdom. It appeared to be their wish that persons in that situation should have no relations with the rest of society; that they should have no friends, no children, and be divested of all the feelings common to human nature. The house would recollect that the lord justice-general of Scotland was a member of the late administration. The present lord justice Clerk in that country was a colonel of a volunteer corps, and so far was he from thinking that association of offices improper, that he avowed it on the bench: and when a case came before him, in which two persons belonging to his own regiment were parties, he intimated to them to call on him privately, and he would settle their difference. It appeared that learned lord had no desire to keep distinct the military and judicial character, though that was a separation particularly insisted upon by lord chief justice Holt, whose authority had been so much relied on by the noble lords on the other side. It seemed to be made a great objection to the present administration, that a seat in the Cabinet should be occupied by a noble and learned lord, who held no office in the executive government. This objection would, however, apply with at least as much force to the late administration. Had he gone round that Cabinet, and asked each of the members that composed it, what they did in the government? he believed that very few of them would have been able to give an answer to the question. Whether their lordships looked across the Atlantic, or considered the situation of the continent, they would perceive every where melancholy proofs of the consequences of the rash and intemperate councils by which his majesty's late government had been directed. It was therefore absolutely necessary to call to the administration of public affairs men of known integrity and talent; men capable of forming an efficient Cabinet, in which no persons should be introduced merely for the purpose of filling a chair.

Lord *Mulgrave*, in allusion to an observation of the last speaker respecting the publication of the treaties with foreign powers, said, that he should consider it as the happiest day of his life, when he could meet him on that subject, and challenge him to bring forward a specific motion on the subject.

Lord *Holland* said, he neither gave, nor would give any pledge of bringing forward any such proposition.

Lord *Grenville* said, that person must be very confident in his abilities, who could hope to add to the arguments which had been advanced in support of the appointment against which the motion of the noble earl was directed. That appointment was no object of trite responsibility. If there was any illegality to be discovered in it, if it was found to be unconstitutional, if it threw suspicion upon the pure administration of justice, it was upon the person who addressed their lordships, that the guilt, if guilt there was attached to it, solely and exclusively rested. It was he who counselled it, it was he who suggested it, it was he who had given his written advice to his majesty to that effect. He was glad that the subject had been submitted to the consideration of parliament. He had always found, in the course of no short official life, that whenever any question excited apprehension in the public mind, the most advisable course was to bring it into speedy discussion. Much pains had been taken, out of that house, to impress a conviction that the appointment was illegal; a noble and learned lord had said that it was not. It was stated to be unconstitutional; here again the same noble lord declared it was not. The noble and learned lord (*Eldon*) said that he upon the occasion would have acted as lord *Ellenborough* did, and he was persuaded the noble lord would not have acted in a manner which he would consider as improper. Much stress had been laid upon the opinion of judge *Blackstone*. Whatever merit might be discoverable in that writer, it could not be denied that many of his theories were fanciful and impracticable. He would attack the principles advanced by the noble lord who had spoken so long and so eloquently, and assert that there was no such distinction to be found in the constitution, as that which he endeavoured to maintain. He would give but little authority to the wild, the beautiful theories of *Blackstone*, for, in order to meet them, it would be necessary to abrogate the jurisdiction of that house. What do the noble lords say by way of answer to the precedents produced? Why this; the case of lord *Mansfield* was one innovation upon the constitution, let us not have a second. From the earliest periods of our history it would be found

being read.—Sir P. Stephens moved, that the estimates for the navy and transport service, presented in Jan. last, be referred to the said committee, which was ordered.—The house then resolved into the committee, when the different estimates were moved, and the report ordered to be received to-morrow.

[*AFFAIRS OF INDIA.*] Mr. Meux, from the office of the commissioners for the affairs of India, presented at the bar the papers moved for by Mr. Paull, on the 22d and 28th of June, 1805. Ordered to lie on the table, and, on the motion of Mr. Paull, to be printed.

Lord Temple said, he had no objection to the papers being printed, voluminous as they were. It was a subject of high importance, and every member should be enabled to consider it with mature deliberation. As the hon. gent. had, however, professed that he had moved for these papers with a view of grounding a charge against marquis Wellesley, he hoped he would not fail to bring it forward, as it was of the utmost consequence to the honour and character of his noble friend, that, after what had been suggested, a full and fair enquiry should take place. The hon. gent. had said, these were all the papers he intended to move for on that subject. He would, therefore, request of the hon. gent. to say, when he intended to bring forward his motion.

Mr. Paull said, it was now upwards of 9 months since he had moved for some of these papers, and they were but just furnished to the house. As soon as he had leisure to peruse them, so as to arrange the matter on which to ground his motion, he should certainly bring it forward, and submit certain resolutions respecting the conduct of the governor-general to the consideration of the house.—All the papers were ordered to be printed.

[*AFFAIRS OF INDIA.*] Mr. Alderman *Prinsep* stated, that in compliance with the suggestion of a right hon. member (Mr. H. Addington, see p. 242.) he had the other day consented to omit the word "bullion," out of a motion which was then agreed to, not being aware that he thereby, as he now found, destroyed the object of his own motion. He therefore moved, that the order be read and discharged, for the purpose of having one containing the word bullion substituted in its place.—The order was accordingly discharged; and on the question being

put, for the insertion of the word "bullion,"

Mr. *Huddleston* objected to it, on the ground, that the account was a detail of commercial concerns, which he did not think was proper to be made known. He was unavoidably absent, on the day when the hon. alderman brought forward his motion, or he should then have opposed it.—The hon. gent. said, that the evils which now oppressed the East-India company, were not imputable to the directors.

Mr. Alderman *Prinsep* appealed to the candour of the hon. director, whether it were a fair proceeding to object to the amendment of adding a single word to a motion, which had already received the sanction of the house, and to which no objection had been made, previous to the order being discharged?

Mr. H. Addington said, the word "bullion" was in the original motion, and the hon. alderman had agreed to its being struck out, on his suggestion to the hon. alderman that it was unnecessary. If, however, the hon. alderman now thought that the purposes of his motion would be better answered by the "bullion" being again inserted, he saw no reason why it should be objected to.—The amendment was agreed to.

[*LORD ELLENBOROUGH'S SEAT IN THE CABINET.*] Mr. *Spencer Stanhope* said, that though he had had the honour of a seat in many parliaments, had been a constant attender, and spent many of the best hours of his life in that house, yet he felt himself at that moment in a situation novel and embarrassing to himself, and beyond his abilities to fill adequately. A train of circumstances wholly casual had led him to be the mover of a question of high constitutional importance. Had he considered it at all in the light of an opposition question, he certainly would not have been the mover of it; he thought it much more of the nature of an election petition, denying the eligibility of the lord chief justice of England to a seat in the Cabinet. Had he meant it as hostile to the present administration, the right hon. gent. opposite to him (Mr. Fox) would hardly have been the first to whom he communicated it, which in truth he was. The proposition he meant to conclude with, he should have been ready at any time and under any administration to support. If the late minister had called the late lord Kenyon to a seat in the Cabinet,

and the right hon. gent. had then objected to the measure, he would have found him amongst the readiest of his supporters. It was even friendly to the administration in two different ways; if his arguments prevailed and the chief justice no longer remained a Cabinet minister, he thought that, notwithstanding that noble lord's acknowledged abilities, the Cabinet would be more popular throughout the nation; if they did not prevail, at least it afforded to the right hon. gent. an opportunity of removing those objections which had made so strong an impression on the public mind. To destroy all possible suspicion of this being the commencement of an opposition to an administration which had not yet had time to do any one act, he thought it fit thus publicly to declare, that if he had the honour at this moment to be called into the royal closet to be consulted on the propriety of removing from office all who had been just appointed, he should most earnestly disavow any such measure. This declaration was probably the only mode in which so unimportant an individual as himself could ever offer any advice to his sovereign, but he would take the liberty of using this opportunity of giving some advice also to the right hon. gent. opposite. If that right hon. gent. preferred the character of the leader of a party to that of the ruler of a nation, if he could not recollect with a view to imitate the noble saying of Louis the 12th of France, "that a king of France should not remember the quarrels of a duke of Orleans," if at the very moment he was calling for an oblivion of past causes of difference, he went out of his way to declare that he himself retained every sentiment he had ever uttered, even when he could not but know that in some of them a vast majority of this house and of the country were against him, I will with confidence foretell, that his administration will not be such as the times demand; that it will neither be honourable to himself nor beneficial to his country, nor yet of long duration.—I come now to the argument on which I mean to found my motion, and request that the king's speech at the beginning of his reign respecting the independence of the judges, and the act passed in consequence of it, may be entered as read. On this ground, I take my stand; here I find the great principle recorded and enacted, that the judges should be independent, and their independence made permanent. What-

ever tends to lessen that independence render any situation a judge may hold permanent, is a breach of the spirit of law. Such I affirm a seat in the executive council to be; it is a stain the highest honour that a subject can obtain, and he holds it only during pleasure. I envy not the feelings of those who think that there being in this case no salary annexed can make the smallest difference in the argument; money is not from being the only inducement to induce a generous mind, that it is almost lowest. I am sure the right hon. gent. opposite would not exchange his situation in the Cabinet for a salary ten times amount of what he now receives. I have been alledged, that it would be a violation of the royal prerogative to permit the crown from consulting in Council with any privy counsellor it may call to this I reply, with all or any except a judge at common law. By making a judge he becomes essentially disqualified from being a party or adviser in propositions. A judge should not only be free from all bias, but above all suspicion of it. How is that possible, if he is in the situation both of party in council and judge at law? It is a pitiful subterfuge to that in such cases he may withdraw and refuse to attend the Cabinet. What security can we have? What knowledge can the culprit have that he has so done? If he were, still the partners of the firm. It would be a good cause of challenge against him as a common juryman, is it to be endured, that a judge should be allowed to try a cause upon the bench which he would be disqualified to try upon in the jury-box? Besides, sir, as a Cabinet counsellor, he would sit in a difficult situation from the rest of the board; that he should incur the censure of this house by his conduct there, he would still remain the lord chief justice of England. Is that be fitting? Would it further the administration of justice? Would it not be a monstrous incongruity, that a man condemned to a declared voice of parliament, should remain at the head of the criminal law of the kingdom? Again, sir, though I contend does not limit the prerogative of the crown, it does in one sense limit the power of this house. It is not probable that we should ever again come to such a resolution as was passed in the very last session when we ordered lord Melville to be in the court of King's Bench. Had the

chief justice been then a colleague in Cabinet with that noble lord, it could hardly have entered into the mind of a single individual in this house, to have sent him to be tried before one of his colleagues.—I come now to what have been mentioned as precedents; but, in the first place, I protest against all in favour of this appointment, which were not distinctly known to this house, and which were antecedent to the first of George III. which is the last declaration of parliament proclaiming the independence of the Judges.—I will first notice the argument, if such it can be called, that the chief justices have more than once been named of councils of regency: to this no objection in my opinion can be made. No person in the state can be a fitter member of a regency than the lord chief justice of the King's Bench; but, surely, it necessarily implies a temporary suspension of his functions as a judge. Nor is this my opinion only; I take it from judge Blackstone, who gives precisely this as the reason why it would be wrong for the monarch in person to administer judgment in Westminster-hall; namely, that being the prosecutor, he ought not to be also the judge. I have heard it rumoured, that lord Holt and lord Hardwicke were for a short time in the Cabinet at the time they were chief justices; but I can find no proof whatever of the fact, and certainly none whatever exist of the house of commons having any knowledge thereof at the time. Lord Mansfield, then, remains the only instance that can fairly be adduced, and when was that known to either house of parliament? Not till ten years after he had withdrawn himself from that situation, and not till it was charged upon him as matter of blame by the father of the present chancellor of the exchequer, the late marquis of Lansdowne. High and splendid as that noble lord's abilities were, there was a time when as a constitutional lawyer he did not stand very high in the estimation of the right hon. gent. opposite to me. A further confirmation of his not being nice upon subjects of this nature is, that he had in the year 1780 the indelicacy to preside on the trial of lord George Gordon, who was charged with heading the very mob who burnt lord Mansfield's house. Why is it that the appointment of chancellor should be revocable at pleasure? but, because he must by his office be necessarily concerned in affairs of state. Whence

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is it that puisny judges never set their foot in the court of St. James's, but, because they should not only be unbiased but unsuspected of being influenced by the hope of preferment?—I come now to the precedents on the other side. The evil effects of statesmen acting as judges, were severely felt in former times in the court of Star Chamber, and not less so of judges being statesmen in the iniquitous conduct of lord chief justice Jefferys. The last precedent I shall adduce, and the only one in which the house of commons has been called upon to declare an opinion on this subject, is to be found in the journals of the 3d of May, 1782, when the right hon. gent. filled the same office he now does. An address on that day passed this house to his majesty, praying that he would be pleased to recall sir Elijah Impey, knight, one of the judges of the supreme court of judicature, at Fort William in Bengal, to answer to the charge of having accepted an office granted by, and tenable at the pleasure of, the East-India company, which had a tendency to create a dependence in the said supreme court upon those, over whose actions the said court was intended as a controul, contrary to the good purposes and true intent, and meaning of an act of the 13th year of his majesty's reign. Sir Elijah Impey could never be meant to be a controul over the servants of the East-India company, but wherein they had done wrong: and surely, the lord chief justice of England has as much controul over all wrong-doers in this country, as he could have in Bengal.—I will add but one sentence more of my own: That my objection to lord Ellenborough's remaining in the Cabinet, is because he is a judge. If he were not so, there is not a man in it whom I should think more worthily placed there than that noble and learned lord. I will now read two quotations from authors of the highest authority, and then the three resolutions which it is my intention to move. Mr. Addison says, in one of his periodical papers, "the best law," (meaning the act of King William) "that ever was passed in our days, was that which continues the judges in their posts during their good behaviour, without leaving them to the mercy of such as might, by an undue influence over them, trouble and pervert the course of justice." Judge Blackstone says: "In this distinct and separate existence of the judicial power in a peculiar body of men, nominated indeed but not

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removable at pleasure by the crown, consists one main preservative of the public liberty; which cannot subsist long in any state, unless the administration of common justice be in some degree separated both from the legislative and also from the executive power. Were it joined with the legislative; the life, liberty, and property of the subject would be in the hands of arbitrary judges, whose decisions would be then regulated only by their own opinions, and not by any fundamental principles of law, which though legislators may depart from, yet judges are bound to observe. Were it joined with the executive, this union might soon be an over-balance for the legislative. For which reason, by the statute of 16 Car. I. c. 10. which abolished the court of Star Chamber, effectual care is taken to remove all judicial power out of the hands of the king's privy council, who, as then was evident from recent instances, might soon be inclined to pronounce that for law, which was most agreeable to the prince or his officers. Nothing therefore is more to be avoided in a free constitution, than uniting the provinces of a judge and a minister of state." The hon. gent. then moved:—First; "That it is the opinion of this house, that it is highly expedient that the functions of a minister of state and of a confidential adviser of the executive measures of government, should be kept distinct and separate from those of a judge at common law."—Second; "That it is the opinion of this house, that those members of his majesty's most honourable privy council, whom his majesty is advised to direct to be habitually summoned, and who are so summoned to that committee or selection of the said council, which deliberates upon matters of state, and which is commonly known by the name of the Cabinet council, are, and are deemed to be, the confidential ministers and advisers of the executive measures of government."—Third; "That the so summoning to the said committee, or Cabinet council, a lord chief justice of England, to sit and deliberate as a member of the same, is a practice peculiarly inexpedient and unadvisable, tending to expose to suspicion, and bring into disrepute the independence and impartiality of the judicial character, and to render less satisfactory, if not less pure, the administration of public justice."—On the question being put on the first resolution,

Mr. Bond, said, if he only rose as the

friend of the noble lord who was the subject of this motion, and he was proud to enjoy that honour, he should return thanks to the hon. gent. who had brought the subject forward for discussion. It was well known that this subject had undergone much discussion out of the house, where it had not been fairly considered. He admitted, that the objection to the appointment of his noble friend to the cabinet, was one which was calculated to make an impression on the first view. He hoped to persuade the house before he should sit down, that however plausible this objection might appear at first, being thoroughly sifted, it would be found to contain nothing real or solid. The subject of the present motion, was to remove from the noble person, who was the object of the motion, the seat he possessed in the Cabinet. The whole tenor of the hon. gent.'s argument pointed to that end. And at a moment when the country was in the midst of the most unexampled danger and difficulty in which the country had ever been placed, when it was on all hands admitted that all the wisdom, all the energy, and all the talents of the country should be in its service, the first question that was brought forward was one for depriving the country of the service of a noble person, such high talents, such eminent abilities, such great experience, and irreproachable integrity, as were possessed by a distinguished personage who was the subject of this motion. He admitted that if the noble lord had been called to a situation incompatible with his judicial functions; if he had been brought into office that would impede the impartial administration of justice and the law; but if such were the case, whatever advantage might be derived from his eminent abilities, he would rather they should be foregone, than that such consequences should be produced. He felt, that the administration of justice was one of the greatest blessings any country could possess, and that it was purer in this country than in any other quarter of the globe. He considered the end as infinitely beyond the means. It was the upright administration of justice that secured the government, protected the people, and insured tranquillity to the individual, who sought wealth in the colonies, the quiet and undisturbed enjoyment of the fruits of his industry, and a return to his native land. There was no value in wealth, if the government at home were weak, and the channels

tice polluted. But he wished the house to consider what would be the effect of calling lord Ellenborough to the Cabinet? That noble lord was no common person. If any man could be independent; if any human circumstances could insure independence, that noble lord could not but be independent. He had attained the highest rank in his profession. He stood in that proud, eminent, and exalted situation, in which no object could be presented to him to tempt him to swerve from his duty. He was a public character too, more under the observation of the public than any individual in the nation. All the business of his court was public, and there was a greater variety of cases submitted to its decisions, than to that of any other court of justice. He would venture to say, that whilst so high a sense of moral rectitude, whilst so scrupulous a regard to justice prevailed in this country, no chief justice would ever be found to act unjustly. He should be glad to know, what objection there could be to the noble lord's assisting at the deliberations of the Cabinet on foreign affairs, and that council was first called the committee for foreign affairs? The relations of foreign nations, and of this country with them, must in the present state of things, constitute a considerable part of the deliberations of that council; and he would be glad to know what there was in such discussions that could tempt a judge to swerve from his duty? It was perfectly true, that there might be questions relative to sedition, insurrection, or treason, brought into discussion in the Cabinet, and that, after attending such discussion, the chief justice might also have to preside at a sjudge at the trial of the offenders. But what effect would that produce on his mind? He desired it to be recollected, that no person was appointed to the place of judge, till after a certain time passed in the profession, when he had acquired profound learning and great experience. Was it likely that in such a man his principles would be aloof, or that he would be led by the Cabinet? Was it not more likely that he would lead the Cabinet. (A loud cry of hear! hear!) He should repeat the expression. He should again insist, that on questions of criminal law or prosecutions, it was likely that a criminal judge's opinion would influence that of the Cabinet, and that in that sense he would lead the Cabinet. If his advice should be acceded to, he would come to the trial without any bias; if his opi-

nion should be rejected, he would not be the less influenced by it, and would exercise his function under the obligation of his oath; so that in either case it would come to the same thing. The hon. gent. had adverted to the case in which the chief justice would come to the trial as a party, as in the case of a libel against the ministers, of which he was one. Every man who knew any thing about the administration of justice, knew, that in trials for libel, little was left to the judge; whilst the whole was decided by the jury. The judge stated the law; and if he misstated that, or otherwise injured the party, he had his remedy, in an application for a new trial to the court. In cases where libels happened to be under consideration of the Cabinet, a judge need not attend, or, if he wished not to preside at the trial, he might apply to have another sent, and the commission—(hear! hear!) He was aware of the use that would be made of this observation, that of inconvenience; but he contended that no such consequence would attend the practice. He hoped, therefore, that no argument would be founded on that ground. As to the supposition of the incompatibility of the two offices, from the circumstance of the possibility of suspicion being entertained with respect to the administration of justice, the hon. gent. stated the suspicion in the first resolution, but gave it up in the last, where he admitted the purity. If the purity of the administration of justice were doubted, then there might be ground for suspicion; but when that is admitted, the administration of justice must be satisfactory. A man should act in the strict line of his duty. If he was to avoid a duty for the purpose of evading suspicion, he could never act right. But he would ask, if the existence of suspicion, or if even well-founded suspicion were to be made the ground of a motion for removing the noble lord from his majesty's Cabinet, whether the hon. gent. would go farther? Whether he would move to have the noble lord struck out of the list of privy counsellors? off the list of peers? Did not the same suspicion apply in an equal degree to both these cases? All judges were summoned to examine prisoners with the privy council and Cabinet ministers conjointly. The cabinet discussed measures in the abstract. Chief justice Holt attended the examination of the rebels who were afterwards to be tried

by him; and chief justice Eyre attended for the same purpose in the privy council, in a recent instance, and afterwards proceeded on the trial of the individuals there examined. Was it possible for a noble lord of such eminent and transcendent talents as the noble lord; was it possible for any man that was a statesman, and that noble lord was a great statesman, if he saw a party formed to thwart and embarrass the measures of government, not to take a part on such an occasion? If the gentlemen were serious, they had not reached half way towards their end. What was the end the gentlemen proposed? What was the object of their record? What the end of their innovation? (hear! hear!) He repeated that it was an innovation. It had not been stated either in the speech of the hon. gent., or in the resolutions, that the appointment was unconstitutional, illegal, or unprecedented. It was not unfair in argument, therefore, to assume the omission, to state what amounted to an admission, that it was not so. As to what had been said of the effect of the chief justice prejudging a case from the discussion it might undergo in the Cabinet, that would apply equally to all magistrates, who first examined the case by the testimony of witnesses, and afterwards sat at sessions. With respect to the authority that had been so much relied on, on which the hon. member had laid so much stress, viz. the quotation from Mr. justice Blackstone, the whole of that passage was part of a longer one, which Mr. justice Blackstone had extracted from Montesquieu's *Spirit of Laws*, which was a theoretic treatise on government. If Mr. justice Blackstone, when he copied this passage into his work, understood it in the sense in which the hon. gent. represented it, the theory was ingenious, but it did not practically apply to the circumstances and constitution of this country. As to all that had been said with respect to the impropriety of any persons being admitted into the Cabinet besides the chancellor and the ministers of state, who held executive offices under the crown; and that those should not be called to that council who might be summoned for advice this day and not the next, it seemed to him like raising up shadows for the purpose of fighting them. There is one case in which the situation of the chancellor cuts in more nearly with that of the chief justice. In the case of a petition of right, where a sub-

ject is the claimant against the crown, he has to decide, and yet is never suspected of acting under any bias. In the case of the trial of peers also, he has great powers for according in the present practice, he invariably acts as lord high steward. During the sitting of parliament, his powers are more limited, he acting only as speaker. But in the recess he pronounces the law in every instance. Before the 7th of William III. the lord high steward had extraordinary powers indeed, having to summon at first only sixteen peers, though afterwards twenty-three. The peers act as jurors, and he explains the law precisely as the lord chief justice does. This had been the uniform practice, and yet no gent. had yet been found to get up in his place and say that this practice was an evil that ought to be got rid of. He admitted that it was better to look for precedents in modern times, though he would not allow, that no instance was to be taken antecedent to the time of the 1st of George III. to shew the non-existence of that jealousy, which, in the present circumstances and times, began to display itself. In the reign of Edward III. an act was passed, directing, that the chancellor and the king's chief justice should be near his majesty, in order that he might not want the advice of the sages learned in the law. However, it was better to refer to modern times. He believed lord Hardwicke, whilst chief justice, had a seat in the Cabinet. He did not state this as a matter that could be proved, though he had it on the authority of persons on whose veracity and accuracy he placed the greatest reliance. By this it appeared, that that noble and learned lord had not thought a place in the Cabinet inconsistent with the duties of his judicial office. Lord Mansfield too, for whom he had a high veneration, though he could not accord with his principles in every instance, had continued to sit in the Cabinet whilst chief justice from 1757 to 1765. He too did not think the situations incompatible. It was to be recollected too that no apprehensions were then entertained on the subject; no such motion as the present had been made. This was a convincing proof of the acquiescence of the house and of the country in the propriety of the measure. In the sixth of queen Anne, when her dissolution was apprehended, an act had been passed for establishing a regency, on that event, to continue for six weeks after her death. This

regency was composed of the seven great officers of state, amongst whom her chief justice Holt was one. It was not be supposed, that such a measure would have been passed without his concurrence. It was fair, therefore, to infer, that his authority was in favour of the measure, though he died before queen Anne; and chief justice Parker became, on her majesty's death, one of the justices. He was afterwards appointed one of the confidential advisers of his majesty George I. The authority of that justice too was in its favour. By the statute of the 24th of George II. chap. 24. which was passed in contemplation of a minority, a regency was appointed, composed of five persons, with extraordinary powers. If the majority did not agree to the measure, parliament could neither be assembled nor dissolved, neither the question of peace or war decided. The chief justice was one of the commissioners of regency, and yet no jealousy was felt on the subject. The act too, if it had taken immediate effect, would not have been of short duration, his present majesty's age being at that time 13 years. The next instance of an act of this nature, was in the 5th of his present majesty, for the appointment of a council of regency; and as the act was passed in contemplation of the possibility of an indisposition which his present majesty laboured under at that time, terminating fatally; if that event had taken place, the regency would have had a long continuance, as the present prince of Wales was then but three years of age; and it was to be recollected that this measure passed, notwithstanding the effects of an opposition that afterwards overturned the administration, and after the same gracious measure which his majesty had recommended for the security of the independence of the Judges. Yet no one of the very ingenious men who composed the opposition of that day, started a question respecting the jealousy that was at this time sought to be promulgated. If there was any trust to be reposed therefore; if there was any sacred trust to be conferred; if there was any degree of confidence of a peculiar nature to be placed in any person, the house would resort to the noble lord, who was the object of the present motion, in place of exciting amongst the subjects of the country a distrust in the administration of justice. It should be recollected, that this was the first time that such an effect had been as-

cribed to such a measure. When it was considered, that the measure then under discussion had received the sanction of so many reverend, learned, and upright Judges; when it was recollected, that it had been acted upon in the best periods of our history, and that now for the first time it was asserted, that the calling to the advice of his majesty such a nobleman as the object of this motion, a man of such talents, knowledge, experience, and wisdom, would have the effect of corrupting the administration of justice; he implored the house not to remove a nobleman of such integrity and independence, who had reached one of the highest offices in his profession, to whom only one step more remained to be ascended, and who, it was well known, had refused that step, from the means of contributing to the public service by his counsels and advice. He called on them not to restrain the prerogative of the crown, in the undoubted right his majesty possessed of calling any one of his subjects to his councils. After a few more observations on this subject, the right hon. gent. concluded by moving as an amendment "That the other orders of the day be now read."

Mr. Canning said, that before he proceeded to state shortly the grounds on which he was about to support the motion which had been made by his hon. friend, he wished to say a few words, with a view to disclaim the motives which seemed to be attributed to him and those who thought with him, by the right hon. gent. who spoke last. That right hon. gent. had said, that at a moment when the union of all the talents that could possibly be collected was so necessary to meet the dangers and difficulties by which the country was at this moment so peculiarly weighed down, he and his friends were attempting to drive from his majesty's councils a person of the most eminent talents, acknowledged virtues, manly judgment, and unquestionable integrity, which he had described. He, for one, protested against this most unfair mode of arguing. When a question of this nature was brought forward, if he had his wish, allusions to personal character would form no part of the subject. If the question was at all worthy of attention, and that it was, the right hon. gent. himself admitted, when he told us that this affair had made a deep impression on the country, and that the grounds on which it was supported appeared at first view

extremely plausible, if it was at all worthy of attention, then it was fitting that it should be discussed on its own merits, as relating to a chief justice, and not as referring to any particular individual. It was therefore, he contended, unfair in the right hon. gent. to impute any motive whatever to them that pointed at the character of lord Ellenborough, when they in fact argued not from the unfitness of that noble and learned lord in particular to fill a situation in the Cabinet, but from the unfitness of the place for any person who held the office of lord chief justice. If the high talents and integrity of lord Ellenborough were deemed so essential in the Cabinet—and to every thing that could be said in his praise he was perfectly willing to subscribe—then there was an obvious mode of availing themselves of those talents and that integrity, by advancing the noble and learned lord one step higher, and putting into his hands the great seal; and, after the panegyrics which had been lavished on the independence of the noble and learned lord, he could not believe that he had refused to accept this promotion, from the consideration that it was better to retain a place for life than accept the precarious office of lord high chancellor. But, not contented with asserting that a judge might with propriety sit in the Cabinet, the right hon. gent. also maintained, that his very independence rendered him, one of the fittest persons in the world for such a situation, because he could give his opinions unwarped and unbiassed by any consideration of self-interest. He viewed the matter, however, in a very different light from that in which it was regarded by the right hon. gent. He considered it in that point of view in which it had been represented by his hon. friend near him, who had not been answered on this head. He thought that the holding a situation which was in its nature precarious, and yet an object of ambition, had a tendency to destroy the confidence which resulted from the independence of the judge. He trusted he could not be here misunderstood, so far as to be thought to allude to any particular individual. He only viewed the point in the abstract, and contended, that when you placed, in the situation above referred to, a person who by law had been jealously made independent, you did in a great measure do away the effects of that independence. This would be evident, if once it was admitted, and it could not be denied,

that the removal of a lord chief from a place which was an objection, would be attended with some of discredit to him, for, to avoid credit, there would at least, on some occasions, be a temptation for him to manner not altogether consistent duty and character. That it was a subject of ambition to hold a place in the Cabinet, he thought could not be denied. The thing had of late been abundantly proved; for it was impossible to go in the street, or read the newspapers during the last six weeks, without seeing how eagerly such places were sought after. In four instances it had been proved that Cabinet places were considered as objects of ambition, in preference to other efficient situations. He supposed, might take it for granted that a place in the Cabinet was a subject of ambition; and when this was the matter of salaries and emoluments made very little difference in the question. The right hon. gent. contended that the panegyrics that had been pronounced on the administration of justice in this country. It was one of the greatest blessings, if not the very greatest, of the constitution. It was no less firm than valuable. It had withstood the attacks of parties, of usurpation, and of revolution. To what cause were we to attribute this? Not to any particular statute by which a distinction between the judicial and executive powers had been made, but from the universal feeling and sentiment that such a distinction ought to be maintained, and that with the exception of a few instances it had existed. But, if it was a subject of ambition in the cabinet, thus admirable, it was the most important of all duties, and would afford ample employment for all the talents, vir- tues, and every other excellent quality, which had been justly ascribed to the noble and learned lord who occupied the situation of lord chief justice. What he objected to was this, that of confining the attention of any person to the discharge of his duty, in a capacity, which would afford him ample employment, you were to divert other objects of ambition to which views might be directed. He did not still pursue the objects more intimately connected with the profession; but instead of building on the strict and honourable

tion of justice, he might be aspiring after other objects of ambition. A most serious evil was thus introduced, which would be done away by the passing of these motions; or, if that could not be hoped for, he would at least indulge the expectation, that it would be remedied by the mature and unbiassed reflection of those persons who now formed his majesty's administration.—There was one very great fault and error into which the right hon. gent. had fallen, for his argument seemed to imply, that independence was not so absolutely necessary in a judge as had been imagined; but then he said, that there was always a remedy in case of error. But the point was, to guard, if possible, against all chance of error from any bias of the judge in the first instance. The right hon. gent.'s argument went to this extent: suppose the case of a libel; he said, that the matter did not so much rest with the judge as with the jury, and after all a new trial might be granted. But, was that the way in which the right hon. gent. thought a great constitutional question ought to be treated? Was that the way in which a measure ought to be discussed, which, by his own admission, had made so great an impression on the feelings of the country? But then he said, that in the agitation of particular questions in the Cabinet, the noble and learned lord might, if it was thought expedient, avoid attending. This might undoubtedly be the case; but was this the sort of security which ought to be enjoyed in this free country? The right hon. gent. had found fault with these motions, because they were so moderate, and spoke the simple truth, and nothing but the truth. It was well known there was no positive law existing at present which opposed this measure, and therefore it could not properly perhaps be called illegal, and it might not be correct to call it unconstitutional till the point was clearly established. But what he said was, that it was extremely inconvenient, and contrary to the principles of reason and common sense, that the judicial and executive powers should be combined in the same person. As to the point of suspicion, it was certain that no man was obliged to remove from a situation where he was useful, merely because others chose to suspect him without reason. But if, however, an alarm was by this means occasioned relative to a matter of such great importance as the present, and if it was not necessary or very expe-

dient that the cause of such alarm, however unfounded, should exist, he thought it was proper that it should become a legislative object, and that every occasion of suspicion should be done away. He was surprised to hear from the right hon. gent. who was a lawyer, that it was a matter of no great consequence that suspicions should exist respecting the independence of a judge. There would always, in such a case, be doubts respecting the justice of his decisions; therefore, though there might be a remedy, it was better that there should be in the first instance no cause even for suspicion of a bias. But the right hon. gent. complained not only of the terms of the motions, but said that they did not go far enough in practice; for, in order to be effectual they ought to go so far as to deprive a lord chief justice not only of a place in the Cabinet, but also of his place in the privy council, and of his peerage. He would not, however, enter particularly on this point. But with regard to the Cabinet, the right hon. gent. said, that it was not recognized by the constitution, and that, in fact, it was nothing else than a select committee of the privy council, called at the discretion of his majesty. He never heard a more untenable proposition. In a free country such as this, where a controul was necessary, and where responsibility must necessarily lodge somewhere, were we at this day to be turned round by being told that there was no such thing in the constitution as a Cabinet? We had persons who advised with his majesty, who performed all the functions of government, who were known all over the country to be so, who were known as the Cabinet all over London, and even in the lobby, but, the moment we entered this door, then we were told that there was no Cabinet! It might be true, indeed, that the constitution recognized nothing under the name of the Cabinet, but it was not the less certain that there was such an assembly with whom the responsibility for whatever advice they gave his majesty rested.—Now, as to the question of responsibility; the right hon. gent. allowed, that every individual who joined the council in advising his majesty, was responsible for the whole. Lord Ellenborough then might be responsible for the whole, and if this was the case, he would beg of gentlemen to consider, whether on the principles of reason and common sense, or those laid down by the best authorities, whether a judge ought to be

placed in a situation where it would be utterly impossible for him to divest himself entirely of the feelings of party, and which would naturally render him liable to suspicion? Now, with respect to the class of examples mentioned by the right hon. gent., there was a great and evident distinction between them and the case under consideration. It was not by any means unfit that a judge should form part of a council, which was to preserve the rights of sovereigns, but where no party politics prevailed. But here, in fact, the judge was under the controul of the executive government, and instantly became a party politician; and, if ever there could be cases, where he should doubt whether it was proper that judges should occupy places as regents or governors, it would be in cases where these judges had in the first place been Cabinet ministers. The case of lord Hardwicke, he understood to be given up, [no, no, from the other side]. He certainly had heard nothing positively asserted on that head. But the truth was, that he, after accepting the office of the chancellor, had held his former situation for a short time, merely till a successor could be appointed. Why, he would give them another instance of this kind: lord Eldon had for two months subsequent to his acceptance of the chancellorship, held his former office of chief justice of the Common Pleas, till his successor could be appointed. Why, then, they remained with the single example of lord Mansfield. The right hon. gent. had said, that lord Mansfield had held both situations, and no notice had been taken of it by parliament, although the thing must have been notorious. Now, though positive evidence could not be had on this subject, yet he could bring circumstantial evidence that the thing was not generally known. There were surmises about it, and as often as it was alluded to, it was marked with reprobation. Indeed, 13 years afterwards, his having sat in the Cabinet while lord chief justice was imputed to him as a charge by the father of a noble lord opposite to him (lord H. Petty), and the question directly put to him, whether or not the thing was true. This was put in the most forcible terms, and lord Mansfield admitted it, but said that he had, for some time, begged leave not to act as an efficient member. From this it appeared that the example was by no means notorious, and it was still more evident from the remark

of lord Shelburne, who said, "a noble lord had confessed that the time when he had infringed the principle of the constitution by acting as a minister and as lord chief justice at the same time." This was the remark of lord Shelburne, who continued by saying, "that the excellence of the constitution lay in keeping the executive and judicial powers as separate and distinct as possible;" and why? No reason given by the right hon. gent. "that a person might not be under the necessity of advising in one capacity he might be called upon to exhort in another." This example then set ground. No one was more ready to show a high admiration of the wisdom of lord Mansfield than he was, would ask any person who had the history of these times, whether the learned judge would not have rendered much more essential service to the country if he had not mixed the character of the politician with that of the judge. You had the example of his management against that of his earlier years by refusing to act as a Cabinet minister after the year 1765, he in some measure tacitly condemned his former conduct. The only defence that could be offered for the admission of the chief justice into the Cabinet would be necessity, or expediency: but neither had been shown. There was an attempt to prove expediency: but as to the necessity, had not even been attempted. Having failed in the way of examining the right hon. gent. had recourse to another, and observed that the lord chancellor was a Cabinet minister; and said, "it would not be answered here without remark that the chancellor had not to do with criminal causes. But he answered in this way, and the question could be removed in two ways, either by the crown, which would not contain a servant who might be disturbed by an address of parliament, for the king's pleasure in office. But, suppose lord Ellenborough should give the worst answer that could be conceived to his majesty, should he advise him to throw all laws, or throw them into the fire, could be done? Could you remove him from his office of chief justice, he had committed no malversation; could you address the throne to remove him from the Cabinet? For his

could conceive no greater curse to a free country than an irremovable Cabinet minister.—Now, these were the grounds on which he supported the motion. He allowed all the talents and virtues that had been ascribed to the noble and learned judge, and had no doubt that their application would be found of no little use in the Cabinet, were it not that he held a situation utterly incompatible, in his ideas, with the proper discharge of its duties. He thought it therefore unwise in the greatest degree to place him in a situation which might bring suspicion on his judicial character. The example was supported by no analogy. No expediency was proved, and the proof of a necessity had not even been attempted. He valued highly the noble and learned lord's abilities; but he thought the administration of the municipal justice of the country a matter of such infinite importance, that he would not purchase all the services which for years his talents could render in the Cabinet, for a suspicion of one hour attached to his character as a judge.

Lord Temple said, he was convinced that the hon. mover of this business had not brought it forward as a party question. He was satisfied that, as he himself stated, he had brought it forward entirely as a constitutional question, which he would have supported at any moment, and in opposition to any administration. Yet he lamented much that before such a thing was proposed, the hon. mover and those who thought with him had not better weighed the authorities on which they had acted. Nobody was readier than he was to admit, that while the king had an undoubted right, by his prerogative, to choose his ministers, parliament had a right to declare its approbation or disapprobation of those ministers. But when a charge, instead of being brought against the ministers collectively, was confined to one individual, it assumed a most invidious aspect. The right hon. gent. (Mr. Canning) had said that his right hon. friend (Mr. Bond) had admitted that an impression had been made on the minds of the people of this country by the measure in question, and that it was a very proper subject for enquiry. But then that impression had been made, not by the thing itself, but because several respectable people had expressed doubts on the subject, to whose opinions they were accustomed to pay a becoming deference. This was

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the real cause of whatever impression had been made, and this was all that was meant by his right hon. friend. But without troubling the house at any length after the question had been so fully discussed by his right hon. friend, he would advert to it briefly in a constitutional point of view. It was said on the other side, that the chief justice of the King's Bench, ought not to be a Cabinet minister. Now, from our history, till a late period, nothing could be found concerning a Cabinet, and the privy council performed all the duties which were now executed by a select committee of that council. As a proof of this, Charles I. was the first of our monarchs who formed a Cabinet, which was afterwards abolished by Charles II. At the death of queen Anne, the dukes of Argyll and Somerset entered the Cabinet, and insisted upon taking their seats as members of the privy council. The Cabinet was not responsible as a Cabinet, but the ministers were responsible as the officers of the crown. Every one's responsibility depended on the office he held. A privy counsellor was responsible as a privy counsellor, and a peer as a peer; but none were responsible as Cabinet ministers. Now then, though these resolutions should pass, they could only be considered as mere waste paper; for though lord Ellenborough should be removed from the Cabinet, he would be exactly in the same situation as before in his capacity of privy counsellor, in his capacity as a peer, and as the representative of the king. If they were to be passed, then they would not go far enough, for in order to come up completely to the intentions of those who supported them, they ought to propose the removal of lord Ellenborough from his situation as a judge, as a peer, and as a privy counsellor. If there was an evil, the remedy proposed was inadequate to remove it. If the gentlemen thought that the constitution wanted reform in this point, it was open for them to state what reform they wished. The present motions were mere nullities. Now, this brought him to the question, whether a judge might properly advise his majesty as a Cabinet minister? The hon. mover had recourse to judge Blackstone on this point; yet, however, respectable as this authority was, he would in such a case as this expect something more than assertion; but he would go farther, and say, that the meaning of the judge in this passage, was

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by no means that which the hon. mover ascribed to him. His meaning was to be collected from his illustrations; he illustrated his meaning here by two cases. In the one, he said, that it was consistent to have the judicial power connected with the executive, or legislative, and this inconsistency was done away by the act of Charles II. which abolished the Star Chamber. Now, what were the powers of the Star Chamber? They were in all cases to decide without a jury, and without leaving the right of appeal to any other tribunal. The other case was, that despotism was more tolerable in France than in the East, because the judicial power was committed to the parliaments. Therefore by his own meaning, as it must be collected from his illustrations, the sentiments expressed in the passage adverted to will not apply in the present case. But the hon. gentlemen had not made up their minds on this business it appeared. The hon. mover insisted strongly that the admission of the lord chief justice into the Cabinet was illegal, but his right hon. friend near him said that it was not illegal, but that it was inadvisable. Lord Ellenborough had assisted in the Cabinet at the examination of governor Picton, and afterwards sat as judge on his trial. The judges were often called to the house of peers to give their advice to the lords, and therefore might often give opinions which might afterwards lead to trials before themselves in their own courts. Yet this was no objection to their giving their advice to the peers. The lord chancellor sat in the house of lords and voted in appeals from his own decisions. He desired them to look at the case of the rebel lords, in which, as well as in other instances, many peers sat in the Cabinet during the examination, and afterwards voted as judges in the house of peers. Chief justice Eyre had sat in the Cabinet and examined offenders, whom he afterwards tried in his own court. After some instances of the same nature, the noble lord adverted to the case of lord Mansfield. He had in the course of this day seen the original writ of summons issued to lord Mansfield. He could take upon him to say that noble and learned lord attended every council from 1760 to 1763. In 1763 he left off attending the council, not from any sense of its incompatibility with his judicial situation, but, according to a letter of his own, which was in existence, because he would not sit

with the duke of Bedford, whose he disapproved of. In 1765 he again, and was named as one of the of regency in the bill framed by sir Norton, who would not have inclined if the association was unconstitutional. In the riots of 1780, lord Mansfield was present at the proceedings in the and afterwards sat as judge of rioters. From all these facts, see no parliamentary ground for objection now before the house. The of the judge could not be sullied by his advice in political matters. In the earliest periods of our history, justice had been one of the king's officers, one of the members of the of regency, and always summoned to give his advice on cases of great importance. Thus the principle of judicial law was in favour of the present.

Mr. Canning admitted, that if lord Mansfield sat regularly in the house but never after 1765; therefore part of his life was, in this respect, a condemnation of the first.

Mr. Secretary Fox rose and said, follows:—Before I proceed to the merits of the question under consideration, I beg leave to say a word or two of advice which the hon. mover has proposed to offer me; an advice, I think, the bye, was the strangest proposal I could be imagined to the of which afterwards followed. First, the hon. gent. tells me I must not adhere to former principles, if I hope for the good of parliament and the country, instant after (whimsical enough) he recommends me to act consistently with myself by supporting the proposal. He has thought proper to bring forward former sentiments, and still, in the case that suits his opinion, to be maintaining them. He would have me too not to recollect the principle pressed upon the subject of the late peer. No, the hon. gent. would have me bound not by any opinion I did express, but by one which I have now expressed. Now, with regard to the subject of the house, I must say, that the intention is to me matter of surprise. I instance that I have ever heard of anything as the Cabinet council being the subject of debate in this house. I knew of the exercise of the king's

live in the appointment of his ministers to be brought into question upon such grounds as have been stated this night. No doubt, if any one should be appointed to the privy council, or to any select committee of that council, against whom personal objections lay, it would be a fair ground for an address to his majesty to advise the removal of such a person. But where, no personal objections are, or can be stated, one must bear it recommended with astonishment, that a class of officers who are admitted to be perfectly eligible to the privy council should not be allowed to discharge the functions of a privy counsellor—should, in fact, be excluded from the performance of duties which, on their admission to the privy council, they are sworn to perform. So much as to the reason of the question.—But, in point of fact, there is nothing in our constitution that recognizes any such institution as a Cabinet council; and the house will recollect that this is an opinion which I expressed long since, upon an occasion to which every man must look back with regret (his majesty's last illness). The opinion which I then declared, I have always held, and still hold, that a Cabinet council is unknown to our law, and has in no instance whatever been recognized by parliament. That part of the privy council which his majesty thinks proper habitually to consult has, indeed, of late years, been denominated the Cabinet council. But names are of small account upon this question. Call this council what you will—either the ministers of state or the executive committee, still the law can know nothing of its members but as privy counsellors. But a few words as to the general principles. If the point were mooted, whether the appointment of a Cabinet council at all be not an abuse of the royal prerogative, I confess there would be much to say on both sides, and I should have great doubts which course to take. However, it is undeniably a body which parliament has always declined to recognize; and their avoiding any such recognition has afforded some advantage to the gentlemen on the other side, of which they have very diligently availed themselves. As the existence of a Cabinet council has never been legally acknowledged, there is, of course, no legal record of the members comprising any Cabinet; and we have it not in our power to state any thing of authority upon the subject, but what may have come within our own observation, or may

have been communicated to us by our fathers. Therefore, when the hon. gentlemen ask us to produce precedents, applying to the case before the house, we must answer that we have it not in our power to produce many, and they appear to doubt even the few we can offer. Some profess to think, that the case of lord Hardwicke's being in the Cabinet while chief justice of the King's Bench, is doubtful. Certainly there is no official authority to remove such doubts. It is stated by the right hon. gent. (Mr. Canning) that lord Mansfield was not known, at a certain time, to have been in the Cabinet, until it was confessed by that noble lord himself. Although the right hon. gent. was wrong in this particular instance, still his confession serves to sustain the proposition I have in view, as to the difficulty of adducing many precedents upon this subject. The right hon. gent. has frequently spoken of the Cabinet, as a responsible body; I wish that right hon. gent., or any gentleman who supports his opinion, to point out from what parts of our statutes, or of the recorded proceedings of this house, he has learned that the Cabinet, or any individual belonging it, has been, as such, held to be legally responsible. From newspapers and conversations abroad, the right hon. gent. has professed to obtain much information upon this topic. But, upon such an occasion, would it not be somewhat more correct to consult the statutes and the journals of this house, than such sources of knowledge as the right hon. gent. has quoted? When the right hon. gent. speaks of the responsibility of the Cabinet, I would recommend him to consider, whether it would be expedient to insist upon the attachment of responsibility to the whole of such a body, for every ministerial act; and whether such a measure might not be apt to endanger, if not in most instances to defeat, the object of responsibility? For any act done in my office, I am directly responsible to parliament and the country; and perhaps it is much better for any purpose of practical responsibility, that it should fall on one man, than on a body; for this obvious reason, that the difficulty of producing conviction and punishment is the less in one case than in the other. I do not mean to say, that it is not desirable to bring forward the charges of guilt against all the advisers as well as the agent, if it were practicable to prove the charge. The immediate actor

can always be got at in a way that is very plain, direct, and easy, compared to that by which you may be able to reach his advisers. There are to be seen many cases in which parliament have tried to get at the advisers too. But how have they tried to do so? Look at the mode, and that mode alone will sustain my argument, that the Cabinet counsellors are not legally known. For in the addresses presented upon such occasions as I have referred to, it will be found, that parliament apply to know by whom any measure to which the address alludes, may have been advised. Surely, then, such an application serves to shew, that the Cabinet has never been deemed a responsible body; for, if it were, such an application would be quite superfluous. But, don't confine your research to those addresses; look at the journals throughout. Examine the several articles of impeachment on record, and you can discover no instance of any man, or body of men, being impeached as Cabinet counsellors. Take the end of queen Anne's reign. See the articles of impeachment exhibited against the earl of Oxford for the conclusion of the peace of Utrecht. Lord Bolingbroke and Mr. Prior, who were the persons principally concerned in that transaction, being then out of the country, and beyond the reach of parliament, it was eagerly endeavoured to implicate lord Oxford. In prosecution of this object a variety of shifts and expedients were resorted to, which would have been totally unnecessary had the Cabinet council been considered a responsible body. No, in that case it would be all easy and smooth. But, in that case, it appears that not one word was mentioned which could countenance the idea of any recognition of a responsible Cabinet council. As yet, among the leaders of those who promoted the impeachment of lord Oxford, were many very able men, among others sir R. Walpole. I do not mention this statesman for the purpose of expressing my concurrence in the general censure which has so long attached to his character. On the contrary, I think that he experienced much undeserved obloquy, as well in the course of his life, as since his death. But I confess, that if I were to panegyricize that distinguished man, I should not rest my panegyric upon his scrupulous regard to the means by which he could reach his object, particularly when stimulated by resentment. Another distinguished person se-

conded sir Robert Walpole in this position, and he certainly, however es in other respects, was by no means able for moderation. And yet th tive, able men, never, in their achieve their purpose, even hinted the establishment of which would much facilitated their success, existence of a responsible Cabinet. —From this, and from every ot circumstance that applies, I infer th a council was never legally conce exist. Therefore, the first time t mover proposes to the house to re the existence of such a body, and if adopt his proposition, I would ask, mean to stop there? If you even d assure you, that as far as my influe go, I will not allow you. For, i shape you acknowledge the existe Cabinet council, we must go on t such a body not alone formally, b known to the house and to the lav gentlemen who support the moti state, that it is not their object t far; but the consequence I have must naturally follow the adoption motion.—One word more before I part of the subject. Some gentlen confound the functions of what is ca Cabinet council, and therefore it necessary to state a distinction, of w noble lord (Castlereagh) must be Councils frequently meet, which ar bled solely for the purpose of affordi members an opportunity of co with each other, and stating their i ciprocally on points connected w several departments, but with n tion of communicating the resul majesty. Indeed upon many such would not only be unnecessary, be per to communicate with his majer noble lord (Castlereagh) knows to allude. On other occasions the council meet to advise his majesty son. In the former case of meetin not surely be pretended that any sibility can attach to the procee this council, or that any individua ter can incur censure for consulti the aid of whose counsels may b and necessary. And to whom st sponsibility attach in the latter de of meetings? To the agent, to who executes the plan resolved on I maintain, to be well founded: this committee of the privy coun order any project which did not.

approbation; and against which I should consequently protest, still if the plan were exceptionable, my protest would not avail to acquit me of the responsibility that would arise from the execution of it. This I take to be the general rule with regard to ministerial responsibility; and every thing that has occurred different from this rule, I consider in the light of an exception.—In all the observations on the other side with regard to this subject, gentlemen appear altogether to overlook the privy council. They seem indeed to forget the existence of that body; for in talking of objects of ambition they confine themselves to the Cabinet council. But pray is not a seat in the privy council an object of ambition also, and is not the circumstance of being struck off from that body a cause of disgrace? There may, to be sure, have been instances where such striking off produced no disgrace or mortification to the party concerned, but was felt rather as a source of pride. But yet, to say generally, that a seat in the privy council is not an object of ambition, and a removal from it the cause of mortification and disgrace, would be wholly absurd. Perhaps the desire of obtaining the seat is balanced by the fear of losing it, and this fear affords a guarantee for a privy counsellor's performance of his duty. These counsellors are known to the law, and it is known that if any one of them should advise his majesty, he is responsible for such advice, whether he belongs to what is called the Cabinet council or not.—Having said so much on the subject of responsibility, I shall now go into the other points connected with this question. With regard to theoretical principles, the name of Montesquieu has been adduced. For this writer, as a general political philosopher, I entertain the highest respect; but the application of his opinions to, or his clear comprehension of, the constitution of England, I am not disposed to admit. What Montesquieu chiefly insists upon, that has any relation to the point at issue, is this, that the legislative should be totally separate from the judicial legislative functions. But will any man attempt to apply this rule to the constitution of England? Will you separate the executive government altogether from the legislative? I hardly think that any proposition of that sort, is ever likely to be submitted to this house; and sore I am, that none such would, or ought to be adopted. But Montesquieu says, that the

judicial ought to be separate from the legislative function. Do gentlemen mean to press the application of that doctrine to this country? No, they cannot, for the case of the lord chancellor immediately presents itself. Over this case, however, it has been attempted to pass, by the aid of a fine distinction. In order to favour the adoption of Montesquieu, and apply it to this question, it is maintained, that there is a material difference between a civil and a criminal judge.—The gentlemen who support the motion, not content with the theory of Montesquieu, which is not at all applicable to the constitution of this country, have had recourse to the authority of Blackstone, but being unable to find any theory exactly to answer the maintenance of their arguments, they have, I observe, endeavoured to pare down different theories, in order to suit their purpose: still however, they have failed. But with regard to Blackstone, I beg in the first instance to demur to his authority as a great constitutional writer. That the municipal law was laid down by him with uncommon perspicuity, and that he dilated upon it with great eloquence, I am ready to admit. His purity of style I particularly admire. He was distinguished as much for simplicity and strength as any writer in the English language. He was perfectly free from all gallicisms and ridiculous affectations, for which so many of our modern authors and orators are so remarkable. Upon this ground, therefore, I esteem judge Blackstone; but, as a constitutional writer, he is by no means an object of my esteem; and for this, among other reasons, that he asserts the latter years of the reign of Charles the second (I mean those which followed the enactment of the Habeas Corpus act) to have been the most constitutional period to be found in our history, not excepting any period that followed. Now, it would be inconsistent with all the principles which I have ever held, to regard such a writer as a constitutional authority, much less to look up to him as an oracle. However, the words quoted from this author by the gentleman on the other side are, I am prepared to say, quite misunderstood. When Blackstone says, that "a judge should not be a minister of state," he means the word minister in the English sense, and not in the German, Italian, or French sense. He means, of course, that a judge shall not administer the affairs of government. But that is quite a differ-

rent thing from the manner in which the gentlemen on the other side would have it understood or applied. The meaning of Blackstone, however, will appear to be palpably different from the construction of the honourable gentleman, when we look at the conduct pursued during those very latter years of the reign of Charles II. which formed the subject of his panegyric. It will be recollected that in the course of that period sir Wm. Temple introduced a bill for the appointment of a committee of privy counsellors, to consist of about 30 persons. This bill was shown to, and approved of by, lords Essex, Hollis, Cavendish, Russell, and all the best men of the day, and yet by this bill it was provided, that the chief justice of the common pleas should be a member of the proposed committee of council.—There is a case illustrative of the meaning of Blackstone, that recognizes a principle directly opposite to that which the gentlemen on the other side are anxious to establish; and brought forward by sir Wm. Temple, who was scandalized at the misconduct of that government which Blackstone panegyrized. But it is clear that Blackstone's meaning applied not to any thing like that which the gentlemen on the other side could infer. A judge belonging to the privy council, according to the sense which these gentlemen attach to the words of Blackstone, would incur blame; and yet they disavow any intention of blaming a judge upon that ground.—So far as to the principle of the appointment complained of. I shall now advert to the practice. I am told that there is only one instance stated on my side; namely, that of lord Hardwicke; and the gentlemen are so good as to give me the case of lord Eldon in addition. But it was stated that these noble lords held for a very short time only the offices of lord chief justice and members of the committee of council. But the shortness of the time was of little account. If the noble lords thought the retention of such offices was contrary to constitutional principle, they would not surely sanction by their own acts the violation of such a principle.—There was, however another case, that of lord Mansfield: that noble lord connected in his own person, from 1757, to 63, the two situations, the junction of which is now so much complained of. I do not mean to discuss the character of lord Mansfield, who, like many great men, had very good and very bad qualities, but certainly the

odium attached to it, did not proceed from his merely combining a seat in the Cabinet with the chief justiceship of the King's Bench. This combination, however, is said to have been much condemned by lord Shelburne, and to prove this, a speech of that noble lord has been quoted: "I have looked at the quotation, and the words are, as reported, absolute nonsense, and therefore, I am persuaded, never were uttered by lord Shelburne. They import that no political man should have any thing to do with advising that which it belongs to his department to execute. Why, if this were a fair ground of censure, it would apply to myself and my colleagues beside me, who are every day advising, what we are ourselves to execute. To ascribe such an observation to lord Shelburne, is quite ridiculous. It must have been a misprint or some misconception, to which lord Shelburne who, like myself, spoke very quick, was extremely liable.—But, to return to lord Mansfield; it really surprised me to hear it remarked upon, as a new and surprising article of intelligence, that that noble lord was so many years in the Cabinet, and that some gentlemen heard it this night for the first time. What, that lord Mansfield could have been so many years in the Cabinet with such different administrations, with lord Chatham, the duke of Newcastle, and Mr. Grenville, and all the time have kept snug in the corner and be unknown—preposterous supposition! these distinguished men not only knew that lord Mansfield was in the Cabinet, but they approved it. If they did not, it was not to be imagined that they would have allowed it. The gentlemen on the other side will hardly think that if I conceived the thing of which they complain to be a violation of constitutional principle I would be a party to it. Let them then give the same fair play to lord Chatham, the duke of Newcastle, and Mr. Grenville. With them also I recollect that other distinguished persons were connected in the same Cabinet; among others my father, and the father of the hon. gent. on the other side (Mr. Ryder); but they had not the same lights which the hon. mover would throw out to the present ministers. Had the hon. gent. been 20 years older he would, no doubt, have gone to lord Chatham, &c. and told them—"You are a parcel of old fools not to know, that in admitting lord Mansfield to the Cabinet, you are violating a constitutional principle and endangering the pure

administration of justice, &c." (a laugh.) Whether these persons would have attended to the hon. gent.'s councils, or not, I rather think that he is not unhappy, he was unable to offer them, for I presume he has as little wish to be 20 years older as myself. As to the injury likely to result to the constitution, from the introduction of a chief justice into the Cabinet, I think the bill of the present reign, which establishes the independence of the judges, and which bears on the face of it the mark of having been the suggestion of lord Mansfield, is a sufficient answer to that apprehension.—But I now come to the specific objections made to a chief justice of the court of King's Bench sitting in the Cabinet. Now, the first relates to libels; but in reply to this, I shall only say, that I never heard of such a thing as the propriety of prosecuting for a libel being at all agitated in a Cabinet council; I never witnessed any thing of the kind, and I do not find from any of those who were in the Cabinet during the period when many prosecutions took place, that the subject of such prosecutions was ever discussed there. Sure I am, that no such discussion ought to take place there. The consideration of questions of that nature properly belonged to the office of the secretary for the home department, with whom it rested to give orders to the attorney general to prosecute.—But, the case of treason has been alluded to. Upon, however, questions of this kind, lord Ellenborough is liable to be summoned to attend the Cabinet as privy counsellor, as he is in his present situation. But, I contend, that he is likely to be seriously prepossessed by such previous examination as the magistrates are, who commit prisoners, or as the judges of the King's Bench are, when they grant an information upon the affidavit of one of the parties, without sending the charge to the grand juries. I have, however, no hesitation in saying, that when a subject of high treason comes on for discussion in the Cabinet, which may be afterwards brought to trial in the court of King's Bench, the absence of the noble lord who is the subject of this debate from any such discussion would be most becoming. I should certainly feel it right to absent myself upon such an occasion, if in the circumstances of the noble lord. But, how many are the subjects connected with war and peace, with our commerce and finances, upon which a lord chief jus-

tice may be consulted without exciting the slightest jealousy or objection? On these points, however, it is said, you must not consult him, because if you do, you make him a politician; and pray do gentlemen forget, that by the very oath of a privy counsellor, the chief justice binds himself to give such advice? If, however, you interdict him, as the advocates of the motion propose, what do you mean to do with him? We have heard of the dinner placed before Sancho Pança: if he wished for fish, that was objected to; and if he wished for meat, an objection was started also; so, between the objections, poor Sancho had no dinner at all. Just in a similar manner do the friends of the motion propose to deal with lord Ellenborough. The noble lord is made a privy counsellor, but yet he is not to be consulted upon points of law, lest his mind as a judge should be prepossessed; nor is he to be consulted on points of state, lest he should be made a politician. Thus it was proposed to destroy his functions as a privy counsellor altogether.—The right hon. gent. returned to the subject of the illegal incompatibility of the judicial and legislative functions, and asserted that such incompatibility was never known to have been rigidly and altogether insisted on, but in two instances; the first of which, that which took place under the second government, after the commencement of the revolution in France; and the second instance was with regard to Turkey, and upon this he had read no law but in the Arabian Nights, and other such works (a laugh); according to which it appeared, that the bashaw and the cadi must always be separate.—Adverting to the statutes which applied to this question, the right hon. gentleman quoted the acts of regency adopted on the proposition of lord chief justice Holt, in the reign of queen Anne, and that also in the early part of his present majesty's reign. By both these acts, he stated that a council to assist the regent was appointed, and it was expressly provided that the lord chief justice of the King's Bench should be one of the council. Now, it must be evident that in such situation the chief justice would have to perform the same functions as lord Ellenborough would be now called on to execute. It appeared, in fact, that the present Cabinet was formed merely on the model laid down for the councils of regency mentioned in those

celebrated acts. The last act, he observed, was supported by the vote of Blackstone, who on this night was quoted as adverse to its principle.—After recapitulating and ably enforcing his several arguments, the right hon. gent. insisted that the proposition before the house was supported neither by precedent, law, argument or expediency; he took notice of the observation of the statement of the mover, that the motion was not brought forward as an opposition question. He assured the hon. mover and his supporters that he was not at all willing to court or provoke opposition to his measures. On the contrary, he should be glad of the support of any set of gentlemen; but, if he were to have an opposition, he particularly wished that they might always chuse such questions as that now before the house.

Lord Castlereagh rose and spoke as follows:—Sir; notwithstanding the triumphant tone in which the right hon. gent. has concluded his speech, and the ability which has pervaded every part of it, the objections which I have from the first felt to the measure, the propriety of which is now brought under the consideration of the house, remain undiminished. Upon a question of such constitutional importance, it is satisfactory to observe the temper and moderation with which the argument has been conducted. No subject could have a stronger claim to be discussed upon its own merits unmixed with party feelings, and it is only to be lamented that the reluctance felt by many of those who most condemn the introduction of lord Ellenborough to the Cabinet, to assume even on a single point the appearance of opposition to the new administration before it has received a fair trial, is likely to prevent the sense of parliament from being taken as fully and fairly upon this measure as the importance of it seems to require.—In stating my sentiments upon the question, I should wish to examine how far the practice of introducing a common law Judge, and more especially a Chief Justice into the Cabinet, can be justified upon the ground of direct precedent, or even of analogy drawn from their habitual introduction into other branches of the constitution.—And first, as to those parliamentary precedents which may be considered as of higher authority than the practice of any individual, however eminent or respectable: this part of the argument rests upon the three regency acts of

1705, 1751, and 1765, in all of which the name of the Chief Justice of the Bench is introduced into the regency. It must be admitted, that these acts give some degree of countenance to the introduction of the Chief Justice into a situation of political trust, co-ordinate with the administration of the government.—But, when the right hon. gent. assumes the Regency Council was a fixed body, not removeable regent, and composed of other persons besides the executive officers of the crown (the princes of the blood royal for instance) and the archbishop of Canterbury, similar to the Cabinet, either in its constitution or in its functions, he assumes more than the obvious nature of that will warrant.—It is also to be observed that the authority of acts of parliament points collateral and incidental to the main object of the act, more especially when no question arose at the time with respect to such points, are entitled comparatively to but little attention. The policy of these bills was, it is true, not discussed, but no question was made upon the propriety of including the Chief Justice. His nomination was in silence. It was proposed in dis-
 on the act of 1705, to exclude the council lord Godolphin, then at the treasury, the objection in stance was evidently levelled at the dual and not at the office, and the objection was over-ruled, as was also the inclusion of the lord mayor of London. These exceptions, the propriety of official selections was little canvassed; if the Chief Justice's name had been introduced into those bills on mature deliberation, it would by it follow that the same reasons must apply to the introduction of that Magistrate into the Cabinet, which might properly be urged by the legislature to give him a permanent council of the nature alluded to in the council entrusted, during the minority of the sovereign, with the as well as with the conservative rights and property of the crown.—It is to be observed, except during the period of about five weeks, which elapsed between the death of queen Anne and the accession of George the First in England, none of these acts were ever acted upon. No experience, therefore, could be drawn from their practical inconvenience in any other instance; but, the most si-

consideration of them will be sufficient to satisfy any candid mind, that their frame and constitution is wholly inapplicable to the present times. Their authority, as precedents in the debates on the regency in 1788, was generally condemned, and by no individual with more ability or effect than by the noble lord now at the head of his majesty's councils, when he filled the chair of this house.—We have, however, a class of precedents entitled to more consideration, namely, those commissions proceeding immediately from the crown, which vested in certain persons under the title of *Custodes Regni*, removeable at pleasure, and bearing, in that particular, a closer resemblance to the members of the Cabinet, such powers as are necessary for carrying on the executive government in the absence of the king. Of these, there are upwards of twenty which occur between the revolution and the year 1755. But in none does the name of the Chief Justice appear. The Functions of the *Custodes Regni* being exercised under the direction of the sovereign, and upon communication with him, the same precautions were not requisite for the security of the rights of the crown, which were necessary while the king was minor; and this observation may explain, why such characters as the Archbishop of Canterbury, and the Chief Justice of the King's Bench were introduced into the parliamentary councils of regency, whilst they were excluded from those immediately appointed by the crown.—The single correct precedent of modern times on which any argument can be founded, is that of lord Mansfield; and, in referring to that solitary case, it is fair to consider it as deriving a sanction not only from the evidence it affords of the noble lord's own opinion on the subject, but from the acquiescence of those who either sat with him in the Cabinet, or suffered him to sit there unquestioned in parliament.—I consider the case of lord Mansfield, as the only one really in point: that of lord Hardwicke being clearly inapplicable, inasmuch as he never had a seat in the Cabinet till he had accepted the Seals, and only held the chief justiceship for a few months, till his successor Chief Justice Lee was appointed. He had then ceased to act as Chief Justice, and had taken upon him the character and all the Functions of chancellor, political as well judicial.—It might well be contended that the weight of precedent, were it stronger than it is,

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would only go to render it more necessary to correct the practice if it be inexpedient, as I maintain it to be. The countenance which this measure may derive from precedent, may render less censurable those by whom it has been advised or adopted: but, perseverance in a bad practice cannot be justified on any such ground.—I own, however, that the precedent of lord Mansfield appears to me calculated rather to serve as a beacon, to warn his successors what they should avoid, than to operate as an encouragement to them to follow his example. No Judge of more comprehensive knowledge, or of more splendid talents, ever sat upon the Bench, yet no one ever possessed in a less degree the confidence of the public. He was regarded with jealousy, (perhaps unjustly so) as carrying his political feelings with him into court, and was never able to conquer the effects of having so intimately connected himself with the politics and the party of the day. There is every reason to believe, that lord Mansfield was himself deeply impressed with the sense of his own indiscretion, in having become a member of the Cabinet. He certainly declined to return to it after the year 1765, and is said to have lamented to the last hour of his life, that he had ever suffered himself to be placed in this anomalous and hazardous predicament.—The arguments drawn by analogy from the circumstance of chief Justices being habitually members of the house of peers and of the privy council, will prove nothing in support of their being called to the Cabinet upon ordinary occasions, if the purposes for which they are placed in those situations are fairly considered. The house of lords being a Judicial body and a court of appeal, necessarily requires the presence of legal characters, to conduct a jurisdiction which in practice devolves entirely on them, and no persons can be so fit to be entrusted with this task, as the chief Judges, and superior members of the professions without whose aid the whole direction of the house on legal subjects would devolve on the chancellor for the time being: a circumstance by no means to be desired.—So introduced into the legislature, they are certainly not precluded by any law from entering into all the heat of politics: but it is equally certain, that in so doing they would forfeit much of the respect and reverence, which is now paid to them, and it would be justly imputed to them as an impro-

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placed in a situation where it would be utterly impossible for him to divest himself entirely of the feelings of party, and which would naturally render him liable to suspicion? Now, with respect to the class of examples mentioned by the right hon. gent., there was a great and evident distinction between them and the case under consideration. It was not by any means unfit that a judge should form part of a council, which was to preserve the rights of sovereigns, but where no party politics prevailed. But here, in fact, the judge was under the controul of the executive government, and instantly became a party politician; and, if ever there could be cases, where he should doubt whether it was proper that judges should occupy places as regents or governors, it would be in cases where these judges had in the first place been Cabinet ministers. The case of lord Hardwicke, he understood to be given up, [no, no, from the other side]. He certainly had heard nothing positively asserted on that head. But the truth was, that he, after accepting the office of the chancellor, had held his former situation for a short time, merely till a successor could be appointed. Why, he would give them another instance of this kind: lord Eldon had for two months subsequent to his acceptance of the chancellorship, held his former office of chief justice of the Common Pleas, till his successor could be appointed. Why, then, they remained with the single example of lord Mansfield. The right hon. gent. had said, that lord Mansfield had held both situations, and no notice had been taken of it by parliament, although the thing must have been notorious. Now, though positive evidence could not be had on this subject, yet he could bring circumstantial evidence that the thing was not generally known. There were surmises about it, and as often as it was alluded to, it was marked with reprobation. Indeed, 13 years afterwards, his having sat in the Cabinet while lord chief justice was imputed to him as a charge by the father of a noble lord opposite to him (lord H. Petty), and the question directly put to him, whether or not the thing was true. This was put in the most forcible terms, and lord Mansfield admitted it, but said that he had, for some time, begged leave not to act as an efficient member. From this it appeared that the example was by no means notorious, and it was still more evident from the remark

of lord Shelburne, who said, "tho noble lord had confessed that there time when he had infringed the principle of the constitution by acting as a C minister and as lord chief justice the same time." This was the remark of lord Shelburne, who continued by saying, "that the excellence of the constitution lay in keeping the executive and judicial powers as separate and distinct as possible;" and why? Not reason given by the right hon. gent. "that a person might not be under necessity of advising in one capacity he might be called upon to execute another." This example then fell ground. No one was more ready to show knowledge of a high admiration of the example of lord Mansfield than he was, would ask any person who had a knowledge of the history of these times, whether that and learned judge would not have rendered much more essential service to his country if he had not mixed the character of the politician with that of the judge. You had the example of his mature judgment against that of his earlier years by refusing to act as a Cabinet minister after the year 1765, he in some respects tacitly condemned his former conduct. The only defence that could be offered for the admission of the chief justice into the Cabinet would be necessity, or strong necessity: but neither had been shown. There was an attempt to prove that strong necessity: but as to the necessity, that had not even been attempted. Having failed in the way of example, the right hon. gent. had recourse to argument and observed that the lord chancellor could not be a Cabinet minister; and said, "I would not be answered here with the mark that the chancellor had no connection with criminal causes. But he was answered in this way, and the chancellor could be removed in two ways, either by a crown, which would not continue to employ a servant who might be disapproved by an address of parliament, for no reason in office. But, suppose lord Ellenborough should give the worst advice that could be conceived to his majesty's person he should advise him to try to break all laws, or throw them into the fire, could be done? Could you remove him from his office of chief justice, he had committed no malversation, could you address the throne to remove him from the Cabinet? For his

could conceive no greater curse to a free country than an irremovable Cabinet minister.—Now, these were the grounds on which he supported the motion. He allowed all the talents and virtues that had been ascribed to the noble and learned judge, and had no doubt that their application would be found of no little use in the Cabinet, were it not that he held a situation utterly incompatible, in his ideas, with the proper discharge of its duties. He thought it therefore unwise in the greatest degree to place him in a situation which might bring suspicion on his judicial character. The example was supported by no analogy. No expediency was proved, and the proof of a necessity had not even been attempted. He valued highly the noble and learned lord's abilities; but he thought the administration of the municipal justice of the country a matter of such infinite importance, that he would not purchase all the services which for years his talents could render in the Cabinet, for a suspicion of one hour attached to his character as a judge.

Lord Temple said, he was convinced that the hon. mover of this business had not brought it forward as a party question. He was satisfied that, as he himself stated, he had brought it forward entirely as a constitutional question, which he would have supported at any moment, and in opposition to any administration. Yet he lamented much that before such a thing was proposed, the hon. mover and those who thought with him had not better weighed the authorities on which they had acted. Nobody was readier than he was to admit, that while the king had an undoubted right, by his prerogative, to choose his ministers, parliament had a right to declare its approbation or disapprobation of those ministers. But when a charge, instead of being brought against the ministers collectively, was confined to one individual, it assumed a most invidious aspect. The right hon. gent. (Mr. Caning) had said that his right hon. friend (Mr. Bond) had admitted that an impression had been made on the minds of the people of this country by the measure in question, and that it was a very proper subject for enquiry. But then that impression had been made, not by the thing itself, but because several respectable people had expressed doubts on the subject, to whose opinions they were accustomed to pay a becoming deference. This was

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the real cause of whatever impression had been made, and this was all that was meant by his right hon. friend. But without troubling the house at any length after the question had been so fully discussed by his right hon. friend, he would advert to it briefly in a constitutional point of view. It was said on the other side, that the chief justice of the King's Bench, ought not to be a Cabinet minister. Now, from our history, till a late period, nothing could be found concerning a Cabinet, and the privy council performed all the duties which were now executed by a select committee of that council. As a proof of this, Charles I. was the first of our monarchs who formed a Cabinet, which was afterwards abolished by Charles II. At the death of queen Anne, the dukes of Argyll and Somerset entered the Cabinet, and insisted upon taking their seats as members of the privy council. The Cabinet was not responsible as a Cabinet, but the ministers were responsible as the officers of the crown. Every one's responsibility depended on the office he held. A privy counsellor was responsible as a privy counsellor, and a peer as a peer; but none were responsible as Cabinet ministers. Now then, though these resolutions should pass, they could only be considered as mere waste paper; for though lord Ellenborough should be removed from the Cabinet, he would be exactly in the same situation as before in his capacity of privy counsellor, in his capacity as a peer, and as the representative of the king. If they were to be passed, then they would not go far enough, for in order to come up completely to the intentions of those who supported them, they ought to propose the removal of lord Ellenborough from his situation as a judge, as a peer, and as a privy counsellor. If there was an evil, the remedy proposed was inadequate to remove it. If the gentlemen thought that the constitution wanted reform in this point, it was open for them to state what reform they wished. The present motions were mere nullities. Now, this brought him to the question, whether a judge might properly advise his majesty as a Cabinet minister? The hon. mover had recourse to judge Blackstone on this point; yet, however, respectable as this authority was, he would in such a case as this expect something more than assertion; but he would go farther, and say, that the meaning of the judge in this passage, was

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would he have said if my late right hon. friend (Mr. Pitt) had disclaimed all responsibility on account of the late confederacy on the Continent, referring his opponents to my noble friend in another house (lord Mulgrave) as being alone responsible for all such measures, with the addition perhaps of the lord chancellor who affixed the great seal to the treaties? Would any minister have availed himself of so contemptible a subterfuge? or would the house have endured such a doctrine? Is not the Cabinet, in the modern practice of the constitution, as well known to parliament as if the existence of such a council had been an object of express legislative provision? have not the members of the Cabinet been always considered by the country, and have they not always considered themselves, whatever may have been their offices, or even if they sat there without office, both as individually and collectively responsible for the measures of government? It may frequently be more difficult to establish the fact of participation in the guilt of any criminal measure against the minister who has only advised, than it would be to prove it against the minister who has executed a measure, no other evidence being required in the latter case, than the order or instrument by which the criminal act has been either directed or performed. But the greater or less degree of difficulty which may attend the proofs of the fact, in particular instances, cannot affect the general question of responsibility. When the commons impeached lord Somers, lord Halifax, and lord Oxford, on account of the Partition Treaty, neither the lord Treasurer, lord Halifax, nor lord Oxford, who presided at the Admiralty, could in the right hon. gent.'s sense of responsibility be deemed responsible; yet the house of commons never hesitated to consider them as equally answerable for that measure with their colleagues in the government. The right hon. gent. has admitted that any privy counsellor is liable to answer for the advice which he may give to the crown; but he cannot by such admission exempt those privy counsellors who are avowedly selected, habitually to advise his majesty on the current affairs of his government, from that general responsibility which results of course from their being charged with the duty of giving that advice constantly and systematically, which other privy counsellors are in the habit of giving only oc-

casional, if at all. Independently ever, of the application of the right hon. gent.'s argument to the present question it is of no small importance that they try at large, and that Europe should be informed, whether the Cabinet is generally, with the noble lord (Grosvenor) at its head, is to be considered as responsible for all the measures of government or whether those alone who carry execution the respective acts are answerable? It is right that it should be distinctly understood, whether the only security have for the administration of foreign affairs on wise and sound principles is the right hon. gent. himself; whether the ordinary system of the country is exclusively committed to the separate responsibility of the secretary of state for the war department, and whether the first lord treasury's responsibility is in the administration, to be really viewed as to all questions not immediately relating to his own immediate department, in no light than in that of an ordinary counsellor? If the right hon. gent. failed in divesting lord Ellenborough the responsible character of a minister summoned as he is acknowledged habitually, and not occasionally, in the deliberations of the Cabinet; if he failed to disprove the obvious inconvenience to say the least of such an union of incompatible functions, in the same person, which must perpetually compel him to abandon his duty either as a Minister or as a Judge; if he has failed to produce either from precedent or analogy adequate arguments to sustain a practice obviously injurious; as little has he succeeded in establishing any sufficient either of expediency or necessity to justify in the instance immediately before us the adoption of a measure, which is so general principles to the strongest objection. And first, as to the necessity of admitting, which I am perfectly ready to do, the personal qualifications of the individual for such a confidential trust in the right hon. gent. contend, that in recurring to the King's Bench, it is possible for them to form their judgment? Will he maintain that at least adequate qualifications for the Cabinet not have been found in some other person? I am certainly not one of those who have discovered that the present administration comprehends all the talents, experience, all the respectability,

the virtue of the country. But, would it not, on the other hand, be to disparage them unjustly, to suppose that this comprehensive Union of Parties, did not in the whole extent of the various connectives of which it consists, afford the means of supplying lord Ellenborough's place, leaving him at liberty to pursue the duties of his own high situation? Can the right hon. gent. in justice to his own chancellor assert, that without the introduction of lord Ellenborough, the Cabinet would have been destitute of adequate legal abilities? Will he contend that the addition of the learned lord's political and constitutional knowledge was absolutely requisite to the constitution of the government? To the sound constitutional principles of the noble and learned lord, I beg to be amongst the first to bear testimony; his presence in the Cabinet is certainly a circumstance which creates confidence and not distrust on my mind; and were he there without prejudice to what I must deem duties of superior importance, I should rejoice at his appointment. But, I cannot persuade myself that his place might not have been supplied by others equally entitled on general constitutional grounds to my confidence, who appear to have been unaccountably excluded, whilst his lordship has been most unnecessarily included in breach of constitutional policy, if not of law.—If the appointment is not sustainable on the grounds of necessity, it appears still less capable of being supported on considerations of Policy and Expediency.—Can the right hon. gent. contemplate the judicial system of the country; can he advert to the wise principles upon which it has been framed and improved; the care that has been taken to render the situation of a judge not only independent of every influence and especially of that of the crown, but to consider them as a distinct order in the community, to which the nation might look up with unlimited confidence as solely and entirely devoted to the administration of justice, and removed from the political cabals or party struggles of the times? Can he thus contemplate the dignified and exalted situation of a judge acting within his proper sphere, and deem it either of great importance or of little danger to call upon a chief justice, to descend from such an eminence for the purpose of interfering himself in all the confusion and vicissitudes of political life? What estimate the right hon. gent. is prepared at

this moment to form of the confidence or popularity which attaches to the present administration, it is not for me to surmise. But, whether he is disposed to feel more or less sanguinely upon this point, I am sure he has known too much of political life, to take for granted, that it may not in progress of time, and perhaps at no very distant period, become not only unpopular but odious. Why, then, in the eyes of the nation, are the character and influence of our First Criminal Judge, in short all his best means of doing good, to be unnecessarily embarked in the frail and uncertain fate of this or any administration? Why is he to be thus exposed to all the jealousy, to all the hatred, to all the reproaches (frequently most unjust), which those in high political stations are doomed to suffer? As long as he remains on the bench of justice, abstracted from such struggles, whatever errors he may commit, however he may find himself compelled to act in opposition to the popular feeling, his conduct will be regarded with confidence, and even his mistakes will be respected. All parties will concur in upholding him. But, let him once assume the character of a party man and a politician, let him once embark in the same bottom with the administration of the day, and he is immediately exposed to all the rancour, to all the fair censure, to all the illiberal and unjust reproach to which governments are liable. These popular prejudices will pursue him into the courts of justice, and he will there find suspicion and crimination substituted for that confidence and reverence which attended on him while he was only a judge.—That the objection of Influence cannot be dismissed from this case, will be obvious when we consider the high value attached by all men to a seat in the Cabinet. The right hon. gent. has argued as if, because a chief judge is usually a privy counsellor, and because a seat at that board is a situation which most men are desirous of obtaining, and which they are unwilling to be deprived of, it must therefore follow, that the objection on the score of influence would not be strengthened by the introduction of a judge from the privy council into the Cabinet. But surely it cannot be contended, that the degrees of influence arising from the two situations are in any respect to be compared to each other. Can an ordinary seat at the privy council, which does not necessarily give, or in its consequences lead to,

any political confidence, and from which no one is ever removed except for misconduct, bear any comparison with the situation of a person included among those members of the council to whom his majesty intrusts the general administration of his affairs, and who, for the time, are collectively charged with the trust of advising him upon every act of his government? Looking at the spirit of those wise and salutary provisions which were brought to perfection upon the gracious suggestion of his present majesty, and admitting the fair distinction that has been taken between honorary situations and those attended with emolument, can we doubt that a seat in the Cabinet (though unaccompanied with salary) furnishes, with respect to nine men in ten, more substantive means of influence than any office in the state, however lucrative, to which a similar mark of confidence does not attach? I must therefore maintain, even upon this ground, that the appointment of lord Ellenborough to a seat in the Cabinet is a departure from the spirit, if not from the letter of those laws, by which the legislature has endeavoured to prevent the crown, that is, the minister of the day, from exercising any influence whatever over the Judges of the land.—Upon the whole, I consider the removal of the chief justice of the King's Bench from his natural and proper functions for the purpose of converting him into the mixed character of judge and politician, and of making him necessarily a member of a party, to be a most unwise and, if persevered in, a most unjustifiable proceeding; that it is in the present instance to be defended on no grounds of necessity or even of apparent political expediency; that it is a practice not to be supported by any analogy known to the constitution; that the only instances from statute, which can be argued in any degree to countenance it, are of imperfect authority in themselves, and are cases of a special nature standing upon their own grounds, rather forming exceptions, than tending to establish a general rule; and that the only direct precedent, namely, that of lord Mansfield, amounts, when it is considered with all its circumstances and consequences, to a condemnation of the practice. I deprecate the measure as calculated to raise a feeling, with respect to the judicial system of the country, which perhaps, with the exception of the period when lord Mansfield presided on the bench, has never, at least in modern

times, been known to exist. In all the difficulties and dangers to which the establishments of the country have been exposed, the purity of the administration of justice has never been made a matter of question. The bitterest enemies of the constitution have never ventured to utter even a suspicion against it. It is that part of our system, which, in the eyes of every foreign nation, most exalts and distinguishes the country. It is that, the value of which is most felt at home, and is calculated, from the universal sense of its approach to perfection, and the attachment which it commands, to protect and preserve the whole.—Will, then, the right hon. gent. for purposes of party or personal convenience, venture to break in upon such a system? Can he pretend to say that its existence does not, above all other circumstances, depend on the independence of the judges? or could he point out any mode by which it is more likely seriously to be brought into disrepute and suspicion, than by making the judges politicians, and by replacing them in any degree under the influence of the crown? I am satisfied that public opinion never was more decided on any question than on the present. Whatever may be the result of the present discussion, the more the subject is examined, the less disposition there will be, I trust, to persevere in it now, or to venture to recur to it at a future day. On these grounds I have felt it my duty to state fully my sentiments on the question, and I cannot conclude without expressing to the right hon. gent. my conviction, that he will find no reason to felicitate himself upon the part he has taken on the present occasion, that in proportion as the subject is canvassed and understood, the deliberate judgment of the public will be against him; and I think I may venture to assure him, whatever political sins either past or future he may have to answer for to his country, that for none will he find them less disposed to forgive him, than for thus lending himself to a measure, the tendency of which is to break down the principles upon which the pure administration of public justice, and consequently the liberties of the British nation, preeminently depend.

Lord Henry Petty said, he should not have troubled the house after the able speech of his right hon. friend, had it not been for the allusion to himself. His lordship said, that the correctness of the pub-

noted by the right hon. gent. (Mr. Bond), that in particular cases the one must be thrown off, that the other might be retained. If any man could execute both functions without inconvenience and reproach, it was his noble and learned friend, lord Ellenborough. But the incompatibility was manifest. Not only in the case of libels would the lord chief justice be reduced to the necessity of foregoing his duties, or standing exposed either to the suspicion of severity, in punishing the person by whom he was attacked, in common with his colleagues. He might even fall into the error of an honourable mind, in going to excess of lenity to avoid the suspicion which his situation would give him. A judge, too, might be called upon to decide in law, such as embargoes, &c. measures originating in the Cabinet, not in the privy council, though passing there; and could a judge be perfectly impartial in considering what damages ought to be given to a party claiming them, in consequence of an act of government which he had advised? Would the public, in troublesome times, such as, some years since, existed, when prosecutions were frequent against seditious persons, be satisfied of the purity of that justice administered by a judge, the colleague of the Cabinet ministers, who thought prosecutions necessary? It was evident how much the character of our public justice would suffer; how much the character of a judge would be degraded, from being confounded with the party politics of the day. He did not say that the measure was illegal, but he contended it was highly inexpedient. He alluded to the case of Despard, and asked how the judge, who as a cabinet minister had addressed the court, could have tried an action for false imprisonment, had one been brought, as might have been in that case, had not the very circumstances attending the event furnished the proof which otherwise would have been defective? He alluded to his own opinion on the volunteer question; and asked how a judge, a member of the Cabinet, who adopted that opinion, could have satisfactorily tried the question? In a word, judges ought to be as impartial between the executive government and the party in all public prosecutions, as between individuals in common cases. He then went over the different precedents, and contended that the only one which applied directly, (that of lord Mansfield,) ought to discourage a repetition of the attempt. It was impos-

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sible to say what part the right hon. gent. (Mr. Fox) would have acted, had this measure been resorted to by a ministry he opposed: but, if he was serious in his attachment to liberty, of which "all over the world," he was an affectionate toaster, it was natural to think he would have opposed a thing so inconsistent with the true principles of freedom. He was satisfied, that if ministers did not now see the impropriety of the measure, they soon would be convinced by the disapprobation of the country. He rather thought they doubted its propriety, but were too obstinate to confess their error. They would find, however, that it would have been better to have given up the point when its danger was first exposed, than to have waited till the discussion rendered it more odious all over the country. He concluded with saying, that the first error, considering the authorities and examples, was venial; but, to persevere would be a crime, because without the least necessity the measure risked that which was so dear and so important to the country, the pure and the unsuspected administration of justice.

Mr. *Sheridan* said, he was not a little surprised at the language of the hon. and learned gent. who spoke last. He seemed to condemn the conduct of ministers, because, the moment notice was given of the present motion, modesty had not induced them to accede to the object of it without rendering a discussion necessary. The late minister, with whom that hon. and learned gent. had acted, had not certainly often shewn this excess of modesty, and at least his right hon. friend near him (Mr. Fox) had not the advantage of any such example from their immediate predecessors in office. He did not, however, wonder, that the hon. and learned gent. wished to avoid the debate; in this respect, his discretion was commendable; for he had been able to support his favourite position by such frivolous arguments, that its weakness was completely exposed. But the hon. and learned gent. said, he had used the greatest industry to collect the public sentiments, and the opinions given, from all descriptions of persons were uniformly against the appointment of lord *Ellenborough* to a seat in the Cabinet. There were two ways of asking questions; the one to gratify innocent curiosity, the other to excite mischievous suspicions: what was the design of the hon. and learned gent. in his

enquiries, he would not presume to mine.—Some remarks had been in the new opposition; he, for one, deprecate their exertions: whether an attachment he felt to the old or whatever was the cause, he did not but certain it was, he did not wish them hastily abandoned by their occupants; he certainly thought even that of his right hon. friend (Mr. Fox) with all his partiality for him. He hoped the new opposition would be vigilant, and even wished that they be over-zealous, or any thing but numerous. He could endure the loss of impatience from the hon. gent. in their altered predicament; one who had lost a warm naval cloak (Mr. *Manning*); another, a splendid Indian shawl (Mr. *Castlereagh*); and a third, a graceful professional robe (Mr. *Perceval*); and it was natural to expect, they would feel the chill of disappointment. The learned gent. said, that lord *Mansfield* gave a warning to every chief justice in on account of the distress he suffered his folly in accepting a seat in the *Lord Mansfield* went out of office, for the best reason in the world, he was turned out. In 1765, he again into office, and soon afterwards with the same good reason, which he had in sign in common with the hon. gent. opposite, because he could stay in no thus it was the most shocking that the chief justice should know any particulars of a charge before it appeared in indictment in court. Did not the hon. and learned gent. remember, very in our history, that the chief justice of the common pleas, sir *James Eyre*, in the Cabinet, in the complicated high treason, charged against Mr. *and others*; and after being so convicted that learned judge was put at the bar of the commission, although by him they were accused and brought to trial. The nature of the situation of justice rendered him a political, and a judicial character. Would not any man in the kingdom be surprised were told that a late attorney-general refused the office of chief justice because he had mixed himself too much in political affairs? but it would appear extraordinary, if a gentleman in that situation, not feeling such a repugnance to high office, should support with

energy the separation of the judicial character. These hints were rather thrown out for the private reflection of the hon. and learned gent. than for the general attention of the house. The principle contended from on the other side of the house, if right, ought to be carried to its full extent; and a chief justice ought neither to be a privy counsellor nor a peer of parliament. Was this high officer to be placed in a state of monastic seclusion, lest, by meddling with the affairs of the world, the purity of his habits should be violated? As early as the time of Edward III. conservators of the realm were appointed, and the chief justice was one of the four nominated. The constitution on various important occasions seemed to look to the chief justice as to the rock on which the national security should be founded. With regard to the inconvenience which was supposed might arise from the responsibility of the chief justice, in his political character, as a cabinet minister; he had no such liability, and therefore no such disadvantage could accrue. The right hon. gent. concluded with expressing his concern at sustaining with so little propriety and dignity his new character; and the house would excuse him, if, with such short notice, he had not learned his part.

Mr. *Wilberforce* began by observing, that he should speak with great seriousness on a topic on which the right hon. gent. who had just sat down, had touched with his usual jocoseness; and declared that it gave him real pain to be under the necessity of taking a part that night, which might perhaps be construed into a disposition to oppose the new government. To enter into systematic opposition as a party man, was contrary alike to his principles and his feelings, and he could sincerely assure his majesty's ministers that he wished to support them, and that it would give him pleasure if their measures should be such as to enable him to gratify this inclination. But the present occasion was one on which he felt it his indispensable duty to support the motion of his hon. friend below him (Mr. *Stanhope*); and he must say, that notwithstanding his admiration of the uncommon talents which had been exhibited by the right hon. gent. opposite to him (Mr. *Fox*), who had also been very ably supported by the noble lord (lord Henry *Percy*) the real strength, the plain common sense of the question remained utterly unshaken, and it would be impossible for

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any considerate man to deny, that the appointment of the first criminal Judge to a place in his majesty's executive government was, though not absolutely illegal, yet most undeniably unconstitutional, and such as tended to impair and ultimately to destroy that peculiar excellency which had been the chief glory of our whole political system, which had called forth most warmly the admiration of writers in their closets, and had been the means of conveying security and comfort to the inhabitants of this happy island. But before he stated his objections to the measure itself, he begged leave to premise that personally he had no objection at all to lord *Ellenborough*, on the contrary, he highly respected that noble lord, and thought that his talents, his constitutional principles, his undaunted firmness, and resolute independence of character, would make him a most valuable addition to his majesty's present Cabinet. But on general principles he must protest against the measure: First, because it tended directly to violate the great principle of the independence of the Judges. That was a subject on which he need not enlarge. Every gentleman's own mind would supply the necessary arguments. But, to what purpose were all the laborious precautions by which the independence of the Judges had been secured, and which had received the finishing hand at the beginning of his present majesty's reign, if the king could exercise that influence over the mind of a judge, which he would possess by being able to grant to him during pleasure, and at any time to turn him out from, a situation, the value and importance of which he need no otherwise establish, than by stating that it was confessedly the great object of the ambition of the greatest and the ablest men in this country? It would not be affirmed that the salary annexed to these situations was their chief temptation. No! it was the love of power, of pre-eminence, of command. The hon. gentlemen opposite to him would not deny that these were their own feelings; and where, then, would be the consistency of preventing a judge being removable from his judicial office, of preventing him from receiving any increase of salary from the crown, and allowing the king to grant or take away from him, at a time, too, when he was already as affluent as he could desire, a situation which was, above all others, the object of pursuit in high and honourable minds?

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But, secondly, the hon. gent. declared, that even making the judge a politician was in itself most highly objectionable, and especially so according to those party principles which were so popular with the hon. gentlemen opposite to him, though he himself retained all his old objections to them in full force; it was the great glory of the administration of justice in this country that for many years, notwithstanding all the violence of contending factions, it had never even incurred the suspicion of being tainted by political connection or party bias. But would this be so in future? Could any man divest himself altogether of the feelings and prepossessions of the minister when he went to assume the office of the Judge? Suppose the country divided into two great parties mutually accusing each other of tyranny and sedition; suppose the judge in possession of his ministerial situation, called upon to try the firebrand of the day, would he be likely to judge him with an impartial mind? or, if the judge himself had been turned out of office and was in opposition, as an ex-minister, might he not be likely to favour him? But there was still perhaps another question behind. Would he not be generally suspected of favouring him in the one situation, or of being actuated by a spirit of hostility towards him in the other? The general estimation in which the Judges of this country were held, was itself, the hon. gent. declared, of extreme importance. There was not perhaps any thing which so much endeared our political system to the people of this country, so much as the firm persuasion of the perfect impartiality with which justice, especially our criminal justice, was administered. And surely this was the very last period in which we should consent to a change which would have the effect of more than bringing into question this great object of the people's attachment. Surely, at a time when the circumstances of this country were such as to call for the efforts of every individual in its defence, when heavy burthens must be borne and large sacrifices must be made, this was not a time to weaken that love of the constitutional laws of our country, which it should rather be our endeavour to inflame and increase.—It might, perhaps, appear an objection of an inferior kind; only however because there were others of such extreme importance, that introducing a Judge into the Cabinet and making him a politician, would engross perhaps no small share of that time and attention

which the important duties of his judicial functions might well claim entire and undiminished. As a mere member of the house of lords, he would not be likely to busy himself much with political matters. But, when he should be called upon regularly and habitually to take a part in devising, and framing, and executing, and defending all the measures of executive government throughout their whole extent, the case would be widely different. It would be impossible for him to fulfil this duty, without abstracting much of that time and attention which ought to be devoted to the duties of his judicial office.—There was another objection of great importance, which he would the rather urge, because it had not hitherto been touched on by any gentleman who had hitherto spoken. It was known that the Judges could only be removed from their situations by the address of the two houses of parliament. Thus the two houses were by law constituted the standing superintendants of the conduct of the Judges of the land, a most important duty which they were well qualified to perform so long as the Judges should remain without any close connection with our great political parties. But, how would this duty be fairly and impartially administered after a Judge, by becoming a member of the Cabinet, should become identified with the government of the country, should consequently be closely connected with the ruling party in both houses, and be in hostility to the party in opposition? His conduct, whatever it might be, continually arraigned by one party, would be defended by the other. It might become one common mode and form of opposition to attack the professional character of a Judge.—The hon. gent. said, he would only add on this head; the considerations he had just been urging would abundantly prove how little it accorded with the genius and spirit of our constitution, to make our first criminal Judge a member of executive government; and they afforded an answer to what had been stated, that there was no positive law against the measure. The answers which had been made to the motion by the hon. gentlemen opposite to him, had been so fully replied to, that he would only touch lightly on one or two of them. The instance of lord Mansfield had been mentioned as a justification of the measure. But it weighed with him in the directly opposite scale.—For, was there ever a Judge to whom it

strongly objected that he carried political prepossessions to the seat of? Now it is accounted for; he was member of the Cabinet. We before had phenomena; now we have the solution. The conclusion, therefore, was manifestly clear. His trying lord George, for being the instigator of a mob, which his own house had been burnt, seen this day mentioned. The hon. said, he would only adduce it as a proof of the habits of mind which had been bred by his being accustomed to consider himself as a political character, who would take his side and go with his party, how entirely this habit of mind had decided that instinctive delicacy which would induce a Judge to shrink from anything which might give a bias or prepossession of judgement. But, in truth, the hon. remarked, all the arguments of the men on the other side, were grounded on the common fallacy of pushing a principle to extremes, and arguing that if it was not true to the utmost possible extent it was to be held of no force or validity; that therefore, because he and his friends did not object to a Judge's sitting in the house of lords or the privy council, that therefore they had no right to object to his being in the Cabinet also: species of reasoning was more unsound. After all, the hon. gent. said, he would not say his hon. friend below him had done, would he? What sufficient motive could be adduced for the measure objected to? Was any temporary convenience of party the formation of a ministry, be for a moment to be set in the balance against the possible and remote existence of such as had been announced? He would enlarge much on this head; but he would detain the house no longer. He would only conjure gentlemen to consider the subject with the seriousness which it demanded. He would remind them that it related to fundamentals; that it touched the very vitals of the constitution; that it related to affect the impartial administration of justice, our best possession and our glory; and to impair that peculiar efficacy of our whole system which the people of this country had long regarded with the greatest admiration and endearment.—After a few words from general Fox, the house divided; when there was a division; for Mr. Spencer Stanhope's motion was carried by 64; for the order of the day 222; against 158.

List of the Minority.

Ainslie, R. S.	Lenox, C.
Babington, T.	Long, Right Hon. C.
Bagwell, Wm.	Longfield, M.
Binning, Lord	Louvaine, Lord
Baker, W. ✓	Mordaunt, C.
Booth, G. W. ✓	Mauwarung, G. B.
Bourne, W. S.	Morland, W.
Brodie, J.	Marshall, Lord
Broderick, Hon. W.	Osborn, J.
Browne, I. H.	Paget, Hon. E.
Burton, General	Primrose, Lord
Canning, Right Hon. G.	Percival, Hon. S.
Castlereagh, Lord	Phipps, Hon. E.
Cowper, Hon. S.	Pole, Hon. W.
De Blaquiere, Lord	Powell, J. Kynaston
Dalrymple, Sir H.	Rose, Right Hon. G.
Dillon, Hon. H. A.	Rose, G. H.
Egerton, Wm.	Ryder, Hon. R.
Ellis, C. R.	Seymour, Lord R.
Fellows, W.	Sitwell, F.
Fitzharris, Lord	Smith, T. A.
Fitzhugh, W.	Stanhope, W. S.
Foster, Right Hon. J.	Stewart, Hon. C. W.
Garlies, Lord	Tarleton, B.
Hammett, J.	Templetown, Lord
Hinchinbrook, Lord	Wallace, F.
Holford, G. P.	Ward, R.
Huskisson, W.	Wortley, J. A. S.
Jeffery, J.	Wilberforce, W.
Lascelles, Hon. E.	Williams, Robert
Lascelles, Hon. H.	Wright, J. A.
Le Fleming, Sir M.	Willoughby, H.
Leigh, R. H.	

HOUSE OF LORDS.

Tuesday, March 4.

[MINUTES.] Lord Crewe was introduced between lord Vernon and lord Carysfort. His patent of creation having been read at the table, his lordship took the oaths and his seat.—Lord Eldon delivered his opinion at some length respecting the appeal from Scotland, *Ogilvy v. the Carran Company*, after which he moved to postpone the further consideration of it till Friday. Ordered.—Mr. Alexander, and several other members of the commons, brought up the Qualification Indemnity bill and three private bills, which were severally read a first time.

[WITNESSES' INDEMNITY BILL.] Lord Holland moved the order of the day upon this bill for the purpose of postponing it. Understanding, he said, from what passed in the house in consequence of the opinions delivered by the Judges, that there was an intention of framing a declaratory act as to what the law really was respecting the liability of a witness to answer questions of the nature stated in the questions referred to the Judges, he did not wish to press this bill at the present moment. He must confess, however, that he had not any very sanguine expectation of

an effectual law being framed upon this subject, and therefore he did not like to let go his bill altogether as, in case the noble and learned lords could not agree in framing a declaratory law sufficient for the purpose, he should then consider it necessary to press on their lordships' consideration the indemnity bill, which it would in that case be expedient to pass. He moved to discharge the order for summoning their lordships and to renew it for Friday.

Lord Eldon assured the noble lord that his noble and learned friend on the woolsack had lost no time in preparing a declaratory bill, which the difference of opinion amongst the Judges had rendered necessary. His noble and learned friend had submitted the bill to his consideration; and he, thinking there were several objections to it, framed another, which, however, on consideration, he thought was more objectionable than that drawn by his noble and learned friend. The subject was involved in considerable difficulties, and he had great doubts whether a bill could be so framed as to provide against the exceptions which necessarily occurred to the general rule.

The Lord Chancellor thought there would be little difficulty in framing a general declaratory law upon the subject. It was obvious that some measure was necessary, in consequence of the opinions delivered by the Judges. Had the questions arose out of a proceeding by writ of error to that house, their lordships would have had to decide judicially upon the law, and would most probably have decided according to the opinion of the majority of the Judges; in that case, the law upon the subject would have been settled for ever. The mode, however, in which these questions had been put to the Judges, and the answer they had given, rendered it absolutely necessary to resort to a declaratory law upon the subject, which was the only method of proceeding they could now adopt. He held in his hand a bill which he had framed, and which he thought would answer the purpose, declaring that it was, and ever had been the law, that a witness was bound to answer any question, although such answer might acknowledge, or tend to acknowledge a debt, or render him liable to a civil suit. He was aware, however, of the necessity of having a proviso, with respect to the exceptions to this general rule, and he hoped his noble and learned friend (Lord Eldon) would take the subject into

his consideration.—Some further contention ensued between lords Holland, Lord Auckland, and the lord Chancellor. Holland reminded the house that upon this subject was already before lordships, brought in by a noble earl (hope). Lord Eldon condemned altogether the principle of that bill. The lord chancellor expressed a wish that lord would, at a private interview, assist adding to the bill he had already drawn proper proviso. Lord Eldon said, noble and learned friend would present bill, he would then propose a proviso. Holland observed, that the two noble and learned lords seemed to differ with respect to the intended bill, a noble and learned lord on the other side the house to differ from himself. He thought it absolutely necessary there should be understanding as to whether such would be brought in or not. The lord chancellor undertook to present a bill of that description to the house as soon as he had had a private interview on the subject with his noble and learned friend (Lord Eldon).

HOUSE OF COMMONS.

Tuesday, March 4.

[MINUTES.] Lord J. Townshend rose to take the oaths and his seat.—Lord O. gave notice that he would to-morrow forward a motion relative to the charter of the East-India company.—Mr. W. presented a petition from Messrs. Clapperton and Cowie, Swedish merchants, on the following circumstances: when a committee of the house was appointed, during the late scarcity, to enquire into the cause of the high price of provisions, &c. the petitioners had appeared before the committee, and undertaken the importation of a large quantity of herrings, from Sweden, with a view to relieve, in some measure, the distresses of the people. Under the sanction of the committee they sent a cutter to Gottenburgh to buy up herrings before the news could arrive which might have raised the price of herrings in Sweden. A great quantity was purchased, and in this situation it was found necessary by government, in pursuance of a pressing policy, to lay an embargo on Swedish vessels. None could consequently come here from Sweden; and though the petitioners had immediately done every thing in their power to dispose of the herrings at the best advantage, they had lost more than 35,000*l.* by the speculation.

applied to the lords of the treasury who sent the matter to be examined by the commissioners of the customs. It had afterwards been before a committee of parliament, but the press of public business prevented a report. The affair, therefore, must be brought forward anew. It was a peculiarly hard case, and deserved the attention of the house. The petition was then ordered to be referred to a committee.—Mr. Babinington presented a Petition of the court of directors of the Sierra Leone Company, setting forth, "that in the month of Dec. 1803, the petitioners presented a petition to the house, praying for a sum of money to be granted to the said company, to enable them to maintain the colony of Sierra Leone; and that the said petition was referred to a committee, who, after a full and particular examination of the matters contained in it, made their report to the house on the 27th of Feb. 1804; and that the committee stated in the said report, that the objects for which the colony of Sierra Leone was established were likely to be more effectually attained by transferring the civil and military authority of it to the crown: but they were also of opinion, that unless such a transfer should be effected, and until it took place, there appeared no better means of discharging the obligations of government towards the Nova-Scotians and Maroons, or of obtaining the other beneficial purposes proposed by the institution of the colony, than by supporting the company's government as now established; and the committee also reported, that the expence of the civil Establishment of the colony could not be estimated at less than 10,000*l.* per ann.; and the expence of the volunteer force for the defence of the place at 4000*l.* per ann., exclusive of a sum of 8000*l.* which was necessary to complete the fortifications; and that in consequence of the said report the house granted to the said company a sum of 10,000*l.* to defray the expence of the civil establishment of the colony for the year 1804; a sum of 4000*l.* to defray the expence of the volunteer force for the same year; and a farther sum of 4000*l.* (in part of 8000*l.*) to be applied to the purpose of completing the fortifications; and that during the last session of parliament the house renewed the grant of 10,000*l.* to defray the expence of the civil establishment of the colony; and 4000*l.* to defray the expence of the volunteer force in the year 1805; and that the recommendation of the committee to

transfer to government the civil and military authority of the colony has not yet been carried into effect, although application for that purpose has been made to his majesty's government by thy petitioners; and therefore praying the house to take the premises into consideration, and that the sum of 14,000*l.* may be granted to the said company for the expences of the said settlement for the year 1806; and also the sum of 4000*l.* (being the remainder of the sum of 8000*l.*) for the purpose of completing the fortifications." Ordered to lie upon the table.—Lord H. Petty, moved the order of the day for the further consideration of lord Collingwood's annuity bill; which being agreed to, he said, that the circumstances of lord Collingwood's family made it necessary to advise what had been before proposed, and he had it in command from his majesty to recommend that revision. He then moved, that it should be recommitted for Friday next; which was agreed to. His lordship next moved, that the house should to-morrow resolve itself into a committee to consider of the circumstances of lord Collingwood's family; which was agreed to.—The Foreign Soldiers' Enlistment bill was read a second time, and committed for to-morrow.—Lord Temple, in moving the order of the day for taking into consideration the subject of allowing wool to be imported into the united kingdom from the British colonies in America, wished to observe to the house, that the importation of this article was already allowed from the united states of America, from Spain, and other countries, and that what he now proposed was no more than an extension of it to our own colonies. Mr. Harrison wished that the provisions of the bill should be confined to a limited time; to which the noble lord replied, that he could have no material objection. The resolution to that effect was then agreed to; and a bill ordered to be brought in upon it.—The Marine Mutiny bill went through a committee, and the report was ordered to be received to-morrow.—Mr. Alexander reported from the committee of supply; the resolutions which the committee had directed him to report to the house; viz. 1. That a sum, not exceeding 1,045,353*l.* 12*s.* 11*d.* be granted to his majesty, for the ordinary of the navy, including half-pay to sea and marine officers, for the year 1806. 2. That a sum, not exceeding 1,980,830*l.* be granted to his majesty, towards the buildings, re-

buildings, and repairs, of ships of war in his majesty's and the merchants' yards, and other extra works, over and above what are proposed to be done upon the heads of wear and tear and ordinary, for the year 1806. 3. That a sum, not exceeding 1,250,000*l.* be granted to his majesty, for the hire of transports, for the year 1806. 4. That a sum, not exceeding 400,000*l.* be granted to his majesty, for defraying the charge of prisoners of war in health at home and abroad, for the year 1806. 5. That a sum, not exceeding 45,000*l.* be granted to his majesty, for defraying the charge of sick prisoners of war, for the year 1806. 6. That a sum, not exceeding 30,000*l.* be granted to his majesty, for defraying the charge of the establishments and hospitals relating to his majesty's sick and wounded seamen at home and abroad, for the year 1806.

[IMPEACHMENT OF LORD MELVILLE.]

Mr. *Whitbread*, from the committee appointed to draw up articles of impeachment against Henry lord viscount Melville, informed the house, that further matters had come to the knowledge of the said committee, in the course of the examinations taken before them, with respect to the conduct of the said lord viscount Melville, during the time that he held the office of treasurer of his majesty's navy; which information the committee think it of importance to communicate to the house, if the house shall please to receive the same. It was thereupon ordered, "That the said committee have leave to report such further matters as shall have come to their knowledge in the course of the examinations taken before them with respect to the conduct of the said lord viscount Melville, during the time that he held the office of treasurer of his majesty's navy." Mr. *Whitbread* accordingly reported from the said committee such further matters as they appeared to them; and he read the report in his place, and afterwards delivered the same, together with an Appendix thereunto, in at the table, where the report was read. It was also ordered, that the said Report be taken into further consideration upon Friday next, and be printed for the members of the house. A copy of the report will be found in the Appendix to the present volume.

[WOOLLEN MANUFACTURERS.] Mr. *Wilberforce* presented a petition of the manufacturers of Woollen Cloth in the county of York, setting forth, "that from

the great increase in the manufacture of Woollen Cloth in the said county, a very different methods of manufacture, the same, by machinery and otherwise, acts now in force respecting Woollen are very inadequate to regulate and the same; and therefore praying leave may be given to bring in a the better regulating and direct trade and manufacture of Woollen C the said county." The hon. gent. that though the signatures to it were in number, yet those represented numerous body, and might be called domestic manufacturers of the cloth. He wished to apprise the house, was a distinct petition from that presented on the part of the finishers, and, and, he had to say, in behalf of the petitioners, that they only wished for the attention of parliament, and then be content with any measure legislature, in its wisdom, might proper to adopt.—Ordered to lie on the table.

Mr. *Peter Moore* presented a petition on the same subject, from the Clothiers of York and Lancaster. He said that as the hon. gent. (Mr. *Wilberforce*) had said a few words in favour of the petition, he would also say some favour of the petition which he held in hand. This petition had been presented for three years successively, and it was put off upon an understanding that the subject was to be seriously investigated by the ministers. The change, which took place, had prevented the desired effect from this circumstance; however, the present ministry had to take the affair into consideration was now authorised to state, that the petition was brought forward with the sanction of the office.

Lord *Temple* expressed the wish that the ministers to afford every facility possible to the steps that might be taken for the improvement of this business. It had engaged the attention of the privy council, and it occurred to them that another bill should be brought in to continue the suspension of the present regulations, with a view to bring in a bill as soon as possible to regulate the proper regulations. In his opinion the bill would not answer the purpose, thought that different bills would be settled, according to the various circumstances.

Mr. *H. Lascelles* expressed his

tion at what had fallen from the noble lord. It always appeared to him that the various points embraced in this business could not be properly settled without the authority of government, and this therefore was a course of proceeding which he had always recommended. He was doubtful, however, whether the matter could be finally settled in the course of the present session. There were a great variety of points to be considered, such as the difference in the quality of the articles, the machinery, and the 7 years apprenticeship required at present from those who exercised the trade. He would give no opinion now on that head, but he hoped that the whole would be minutely examined when the bills came to a committee. The Woollen Clothiers of York had not as yet been heard on this subject, though others had enjoyed that advantage. He was earnestly desirous that this business might be soon and completely settled.

Mr. C. Brooke said, he was so sensible of the necessity of some effectual regulations, that he was willing to give every assistance in his power towards a revision of all the laws upon the subject.

Mr. H. Lascelles wished to submit whether it would not be proper to appoint a committee for revising the laws relating to the Woollen Manufacture in general?

Earl Temple replied, that he did not know of any objection to it.

The *Speaker* thought it might be right to remind them, that the practice of the house with the view of convenience, in such cases was to appoint a committee of revision, in preference to bringing in a number of different bills.—The petition was then ordered to lie on the table; as was also another petition to the same effect, from the Cloth Workers of Wilts, Somerset, and Gloucester.

HOUSE OF LORDS. *Wednesday, March 5.*

[MINUTES.] In an appeal from the court of King's Bench, *Macdonall v. Baily*, Mr. Knapp was heard for the defendant, after which the judgment of the court of King's Bench was affirmed, with 80*l.* costs.—Mr. Fordyce, surveyor-general of the crown lands, presented the third report respecting the land revenue of the crown; which was ordered to lie on the table.—The qualification indemnity bill was read a second time, and committed for to-morrow.

HOUSE OF COMMONS.

Wednesday, March 5.

[MINUTES.] Mr. Hutchinson presented a petition from the city of Cork, praying for leave to bring in a bill to enable the inhabitants to erect a new gaol in Cork. Leave granted.—Mr. Fordyce presented the third report from the surveyor-general of the land revenues, which, on the motion of Mr. Vansittart, was ordered to be printed.—Mr. Allnutt, from the commissioners of the Thames navigation, presented, an Abstract of an Account of all money received and disbursed by the commissioners appointed for improving and completing the navigation of the rivers Thames and Isis in the year 1805.—The Marine Mutiny bill was reported, and ordered to be read a third time to-morrow.—Lord Temple brought in the bill for allowing the exportation of corn and other articles for the use of his majesty's foreign garrisons; which was read a first time.—On the motion of the secretary at war, the Foreign Soldiers' bill went through a committee. The report was ordered to be received to-morrow.

[LORD COLLINGWOOD'S ANNUITY BILL.] Lord Henry Petty moved, that the house should resolve itself into a committee, to consider the circumstances of lord Collingwood's family.—On the question being put,

Mr. Bastard said, before the house went into the committee, he wished to address a few words, by way of question, to the noble lord. He understood lady Collingwood, in case of her surviving her lord, was to have the annuity continued to her for her life. He thought it very right it should be so; but, what he wished to know, was, whether any provision was intended to be made for the unfortunate widows of captains of men of war, whose husbands had fallen gallantly defending their country in the glorious battle of Trafalgar? Captain Duff had so fallen, and had left behind him a disconsolate widow to mourn his loss, and, at the same time, the loss of her subsistence, for he understood she was very ill provided for; capt. Cooke had also fallen on the same glorious occasion, and had left a widow in a similar predicament. He wished, therefore, to know, whether it were intended any provision should be made for those unfortunate ladies? and he hoped he should not be deemed troublesome by the noble lord in asking the question.

Lord Henry Petty expressed his partici-

pation in the feeling so properly expressed by the hon. member; but he believed it was not customary on such occasions to make any particular provision for the widows of naval captains. He understood, however, that some application had been made on behalf of those ladies for his majesty's bounty, which was at present under the royal consideration, but he was not yet prepared to communicate the result.—The house then went into a committee: in which the noble lord moved a resolution, that in the event of the decease of lord Collingwood, the sum of 1000*l.* a year should, from the time of his decease, be settled on lady Collingwood for her life; and, after her decease, if the daughters of lord Collingwood be living, the same annual sum to be settled on them, to commence from the day of lady Collingwood's decease.—The house resumed, and the report was ordered to be received to-morrow.

[**AFFAIRS OF INDIA.**] Mr. *Paull* gave notice of a motion for Friday, for the production of three or four more papers to lay the grounds of an additional charge against lord Wellesley.

Lord *Temple* asked whether it was the intention of the hon. gent. to bring forward on Friday the additional charge he alluded to, or to move only for papers?

Mr. *Paull* replied, that he meant to move for the papers, and they would form all the documents he thought necessary upon this subject. If they should be produced in due time, he gave notice that he would in the course of the first week after the recess bring forward his accusations against lord Wellesley.

Mr. *H. Addington* begged the hon. gent. to describe the nature of the papers to which his intended motion would refer?

Mr. *Paull* said that there was a prince in India called the Rajah of Bhurtpore, with respect to whom the hon. member was proceeding to make some remarks, when he was called to order by the Speaker, who directed the hon. gent. to confine himself to the answer required of him. The hon. gent. then stated, that the papers he meant to move for related to the conduct of lord Wellesley towards the Rajah of Bhurtpore.

[**ARMY ESTIMATES.**] The *Secretary at War* presented the army estimates, which the right hon. gent. stated to be formed on the same scale precisely with those for 3 months, which had been voted on the

proposition of his predecessor. The estimates which he had now the hon. present, were only for two months; he hoped that long before the expiry of that time, his majesty's ministers have fully matured, and parliament adopted, a plan for the permanent establishment of the year, which, he trusted, would at the same time that it augmented and strengthened military force reduce the expence of the military department.—Ordered to lie on the table, and the right hon. gent. gave notice, that he would on Friday move the estimates in the Committee of Supply.

Lord *Castlereagh* took occasion to say that the motion of the late minister proposing the estimates for only two months, was in order to leave the ministers completely unfettered. He was enabled to say, that were it not for the consideration, the late administration fully purposed at the time to bring forward a plan for the permanent military establishment of the year.

[**WOOL EXPORTATION BILL.**] Lord *Temple*, brought up a bill to permit the exportation of wool, from the British colonies in America, to the united kingdom. On the motion for its first reading,

Mr. *Harrison* entertained objection to this measure, which he conceived would injure the landed interest, but he reserved the full statement of his objections to a future stage. In the mean time he hoped that some regulations would be introduced into it, that might render it exceptionable. It struck him, that the unlimited importation of wool would diminish the effect would be to diminish the growth of that article at home, and thus injure the landed interest at the disposal of the manufacturers, who would have a surplus in consequence of the importation, and be at liberty to offer any price they pleased. The importation at present allowed proceeded from a wish to obtain the wool of Spain to mix with our own. We had no want of the coarse wool of America. Indeed he could not conceive any objection for this bill. We had no scarcity of anything, and therefore the bill was unnecessary, and he much doubted its effects would be injurious.

Lord *Temple* called to the recollection of the house, that the importation of wool from the united states of America was already permitted, and the only objection to the bill was to grant to our own colonies

same advantage. It was his intention to propose, that the bill should be printed, and allow full time for its examination, in order that no alarm should arise from a misunderstanding of its provisions. If it should appear desirable to limit the continuance of the bill, he should offer no objection to such a proposal; and if, hereafter, it should be found disadvantageous in its operation, its repeal would naturally follow.

Mr. *Harrison* recommended every encouragement to the growth of wool, upon the same principle that the legislature encouraged the growth of corn. He advised the introduction of a clause into this bill, imposing a small duty on the wool imported, as the best means of ascertaining that which was very desirable, namely, the quantity of the importation.—The bill was then read a first time.

[REPORT FROM IMPEACHMENT COMMITTEE RESPECTING MR. TROTTER.] Mr. *Whitbread* reported from the committee, appointed to draw up articles of Impeachment against Henry lord viscount Melville; "that he was directed by the committee to acquaint the house, that Alexander Trotter, esq. late paymaster to Henry lord viscount Melville, whilst treasurer of his majesty's navy, having been examined by the said committee, did refuse to answer to what had been demanded of him by the said committee." The hon. gent. then moved, "That the entry in the journal of the house, of the 13th of April 1742, of the proceedings of this house, in relation to Mr. Nicholas Paxton, might be read." And the same being read; the hon. gent. moved, "That the said Alexander Trotter, esq. be, for his said offence, taken into the custody of the serjeant at arms attending this house; and that Mr. Speaker do issue his warrant accordingly." [The speaker, in putting the question, substituted by mistake the name of Alexander Davison, for Alexander Trotter, which occasioned a general laugh.] On the question being put,

Sir *W. Elford* rose and expressed his hope that the house would not adopt the proposition of the hon. member, and consent to commit Mr. Trotter for refusing to answer the questions alluded to, upon a fair consideration of the reasons which induced that refusal. When Mr. Trotter understood that he was to be examined before this committee, he very naturally considered the propriety of declining to answer any questions which might have

the effect of criminating himself, or exposing himself to a civil suit. Accordingly upon questions being proposed, which appeared to Mr. Trotter to have that tendency, he had recourse to the advice of counsel, and this advice corresponded with that which was pronounced law by several of the Judges in another place. The majority of the Judges had, he was aware, declared the law to be otherwise. But still, doubts existed upon the question, viz. whether a witness was compellable to give such answer to any question as might subject himself to a civil action, and in consequence of these doubts it was understood that a declaratory law was deemed necessary, and was intended to be brought forward. Under these circumstances, considering the difference of opinion which prevailed upon the point which applied to this subject even among the Judges, and that it was not yet ascertained what the law was, but that on the contrary a declaratory law was in contemplation, which two of the most respectable law lords had very properly said would require the most mature deliberation, he trusted the house would not visit the proposed punishment upon the conduct of Mr. Trotter.—The hon. bart. then read the opinion of counsel, under which Mr. Trotter had acted. This opinion was signed by Mr. serjeant Shepherd and Mr. Alexander, and imported that a witness was not compellable to answer any question, the effect of which might be to subject him to a civil suit. With all these considerations in view, it struck his mind, and he hoped it would appear in the same light to the house, that, pending the progress of the bill which was now in the other house of parliament, and which was introduced by the hon. mover himself, it would not be more reasonable than just, that the committee should suspend their enquiry upon this part of the case. It would, indeed, be inconsistent with the grounds upon which that bill professed to rest, to take a different course; for that bill, as well as the act of indemnity from criminal prosecutions, obviously recognised the principle on which the conduct complained of in Trotter, was quite justifiable. From these considerations he must say, that to commit Mr. Trotter into custody would be an act of oppression. If the hon. mover would consent to have the enquiries of the committee suspended, so far as Mr. Trotter was concerned, until the bill before the other house should be passed

into a law, the refusal of Mr. Trotter to answer any question put to him, by the committee, could not be excused, and upon the enactment of such law, he believed, that Mr. Trotter would not be inclined to make any refusal.

Mr. Secretary Fox said, that if no bill of indemnity whatever had passed, or was passing through parliament, still it would be extremely wrong in the house to take the course recommended by the hon. bart., and refuse to sanction the conduct of its committee. Upon such an application as that under discussion, it was not for the house to consider whether Trotter was legally compellable to answer certain questions which might have been put to him by the committee. Now, it should be taken for granted, that the questions proposed to him were correct; otherwise the house had not a proper confidence in its committee. What was the case? Why, that upon the recommendation of this committee, a bill was brought in, to indemnify Trotter from any civil action that might arise out of his answers before them, although the opinion of many lawyers was, that he was compellable to answer questions of that tendency; and that opinion, which prevailed before the bill was introduced, was since strengthened by the declaration of a great majority of the Judges. How could the house then, upon a question so circumstanced, reconcile it to itself to delay the progress of this prosecution, in the manner the hon. bart. proposed? Such a proceeding would be, in fact, to withdraw their confidence from the committee, and to imply a suspicion that that confidence had been abused. Coupling the proposition of the hon. bart. for delay, with what had taken place last year, when, by a mere majority of one, the cause of justice had triumphed, the house could not be unaware of the object. But he trusted that the house would not sanction the disposition that was manifested to withhold from this committee the degree of confidence which had never been refused to any committee upon similar occasions.

Mr. Whitbread observed, that if the motion he had introduced at the instance of the committee, should not be agreed to, the house had better withdraw its confidence from that committee altogether. It was impossible for him, consistently with his duty, to state at present what passed in the committee, but at the same time he could say, that Mr. Trotter was treated,

in the course of his examination, with utmost possible indulgence. In the opinion of many, indeed, among whom one, that indulgence had been often too far. He had been indemnified from all criminal prosecution, and it was proposed to indemnify him from all civil actions. He had frequently demurred to questions which, according to the decision of eight of the Judges, he was legally compelled to answer, and yet was given him deliberately to advise his counsel, &c. The hon. member disclaimed the intention of offering any thing in view to extenuate or to apologize for the conduct of the committee. Nor did he mean to state precisely the question which Mr. Trotter refused to answer, but could state in substance, that they were of such a nature as, according to the law, pronounced by the four dissentient Judges, could not be screened from any person. The hon. member repeated, that if the motion before the house was not adopted, the committee would be placed in a situation, that it would be better to draw the confidence of the house from them altogether, and to appoint a new committee.

Sir W. Elford disclaimed any intention in the observations which he had made, to submit, to impeach the confidence of, or weaken the confidence due to the committee.—The motion was agreed to.

Mr. Whitbread said, he should do so to the extent of the precedent which the house had heard read, and which was to the refractory witness to Newgate. He should only move that the servants shall attend Mr. Trotter before the committee, whenever they shall think proper to examine him.—Agreed to.

[MILITARY ESTABLISHMENT] Mr. Long rose and said, that seeing the hon. gent. (Mr. Windham) now in place, he wished to ask him, at what time he intended to propose to the House the Plan, respecting the arrangements for the military establishment. He did not say, put this question, with a view to embarrass the government of the day, but because he felt it was of high importance that any alteration intended to be made should be known as soon as possible, and the longer such information was withheld, the greater embarrassment would be the service; as those exertions might be made by gentlemen at

son, in different parts of the kingdom, could not be undertaken with the desirable effect, if they were to understand that new and material arrangements were to take place. He knew this to be particularly the case with respect to the militia in Ireland.—The right hon. gent. was proceeding, when

Dr. *Laurence* rose, to order, and observed, that the hon. member, instead of propounding a short question irregularly across the house, was proceeding into a detail, which might lead to a disorderly debate, there being no regular question before the house.

Mr. *Speaker* agreed to the propriety of this observation.

Mr. *Long* professed that his object was to state the reasons which induced him to put a question, upon a subject, with regard to which he disclaimed any intention to produce inconvenience to the right hon. gent. to whom it was addressed, but to obtain some satisfactory information, as to arrangements, in the proposition of which, he trusted, that no delay would take place which could possibly be avoided.

Mr. *Secretary Windham* said, he was very ready to give the right hon. gent. every satisfaction in his power, relative to the point alluded to. The right hon. gent. had, however, in asking the question, desired to know, when he meant to bring forward his Plan? He did not understand what he meant by the words, "his Plan." He had never mentioned any Plan to the house; nor had he ever heard, that any other member had done so for him. The business of the military establishment, for the present year, had been taken up by his majesty's ministers, immediately on their coming into office; and it had ever since engaged their most serious, minute, and continued, attention and consideration. They had, however, found it delicate, difficult, and highly important, and as such, had not been forward to say any thing of it to the house, till they were able to bring it, among themselves, to a state of sufficient maturity, and, whenever they should find it in such a state, both their duty and inclination would lead them to lay it before the house, as speedily as the nature and importance of it would possibly admit.

Mr. *Canning* observed, that there stood a notice upon the votes of the house, given on the first day of the session by a right hon. gent. whom he did not now see

in his place (Mr. *Sheridan*), for a motion to repeal the bill called "the Additional Defence Act." He wished to know from the friends of that right hon. gent., in his absence, whether the repeal of that bill formed a part of the plan of military arrangement, because, if it were, it would be important the house should have a complete return of the number of men raised by its operation, in order to judge fairly of its effects; and, if not, that the exertions of gentlemen throughout the country, for carrying that bill into full effect, might not be damped by the apprehension of its intended repeal.

Mr. *Windham* said, he had already declared his object to the house, so far as he was yet prepared to explain himself on the subject of military arrangements. He had, however, no objection to answer the question of the right hon. gent. in substance, that in the plan of defence now in contemplation, that bill certainly would not have a place.

HOUSE OF LORDS.

Thursday, March 6.

[*MINUTES.*] Lord *Tyrawley*, one of the representative peers of Ireland, took the oaths and his seat.—The *Qualification Indemnity* bill passed through a committee, and was reported.—Mr. *Johnson*, from the office of chief secretary for Ireland, presented an account of the state of the prisons in Ireland for the year 1805, which was ordered to lie on the table.—Mr. *Allnutt*, from the commissioners of *Thames Navigation*, presented an account of the receipts and disbursements of that board for the year 1805, which was also ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, March 6.

[*MINUTES.*] Colonel *Vereker* reported from the committee, to whom the petition from the city of *Limerick* had been referred, and obtained leave to bring in a bill for the more equal taxing, and the better paving, cleansing, and lighting the city of *Limerick*.—Mr. *Alderman Combe* presented a petition from several persons, owners and proprietors of houses, in *Skinner-street*, *Snow-hill*, and in *Pickett street*, *Temple-Bar*, praying leave to dispose of the same by way of lottery. He also presented a petition from the Master *Shoe-makers* of the city of *London*, praying for certain regulations therein stated, for the better sup-

pression of combination among the trade.

—On the motion of Mr. Vansittart, a new writ was ordered for the Borough of Corfe Castle, in the room of the right hon. Nathanael Bond, who has accepted the office of judge advocate general.—Mr. Mainwaring presented a petition for leave to bring in a bill for building a bridge over the Thames, opposite to Vauxhall.—The report of the committee of yesterday, on the situation of lord Collingwood's family, was brought up and agreed to, and, on the motion of lord H. Petty, it was ordered that it be an instruction to the committee, to whom lord Collingwood's annuity bill was referred, to introduce provisions agreeably to those resolutions.—Lord H. Petty brought in the bill for the better regulating the office of treasurer of the ordnance, which was read a first time, and ordered to be read a second time to-morrow. Mr. S. Boppe asked if any additional salary had been granted, or was in contemplation to be granted, to the persons holding the office in question, and other similar offices, in consequence of the regulations now introduced? The noble lord answered, that no such addition had been made, nor was he aware that any such was in contemplation.

[MR. TROTTER'S PETITION TO BE DISCHARGED.] Mr. *Whitbread* stated, that the conduct of Mr. Trotter before the committee appointed to prepare articles of impeachment against lord Melville this morning, justified him in offering to the house a petition, praying that he should be discharged. The petition was then brought up and read by the clerk; setting forth, "that the petitioner was committed to the custody of the serjeant at arms, for not answering certain questions put to him by a committee appointed by the house; and the petitioner hopes that such his refusal will not be ascribed to any want of deference or respect to the house, or to their committee, but to a sense of regard to his personal security, which, from his legal advisers, he understood would be endangered were he to answer such questions; but, since the declaration of the house respecting such his refusal, the petitioner most respectfully acquaints the house, that he is now most ready to attend the said committee, for the purpose of examination, and to answer such questions, deeply regretting his error, and begging pardon for the same; and therefore praying, that the house will order him to be discharged

out of the custody of their serjeant at arms." The petition having been read, was ordered, on the motion of Mr. *Whitbread*, "that the said Alexander Trotter be brought to the bar of this house with, in order to be discharged." Trotter was accordingly brought to the bar, where he received a reprimand from the Speaker, and was ordered to be discharged out of custody, paying his expenses. The reprimand was as followed:—"Alexander Trotter; a committee of the house, charged with the high and important duty of preparing Articles of Impeachment against Henry lord Melville, having reported that you refused to give evidence, this brought into its just indignation, ordered you to be taken into custody.—Your examination was the disgrace and imprisonment upon you, are a warning to all men to resist the authority of this house is vain.—But the atonement you made this day, by an early and firm submission, having induced the house to order that you be now discharged, you are discharged accordingly, paying your fees." On the motion of Mr. *Whitbread*, it was then ordered, "that he have been said by Mr. Speaker, in manding the said Alex. Trotter, entered in the journal of this house."

HOUSE OF LORDS.

Friday, March 7.

[WITNESSES' LIABILITY BILL] Lord Chancellor quitted the w and stated, he had a declaration to submit to the consideration of the lords; he adverted to the proceedings and discussions which had taken place, and which had induced the proposal of the present bill. These, their lordships recollected, arose principally from a petition proposed by a noble and friend of his, "Whether, according to the law, witnesses were bound to answer questions to which did not touch their conscience, but to establish or deny a fact, by a civil suit?" On this, the opinion of the Judges was called for, and a great number of them were of opinion, that a witness was not bound to answer such questions, and what had been stated by the noble and learned friend (lord Melville) that in the course of his long examination he never heard of such a claim,

the part of a witness; after what his noble friend at the head of the court of King's Bench, had also stated to the like effect; and after what he knew himself, who was exactly in a similar predicament; he thought the best mode was, to declare the law as stated in those opinions and declarations. It did not appear in the event, that the question proposed by his noble friend, was, in point of fact, liable to any objection; neither did it appear, that the answers of the learned Judges were not satisfactory to the house: on this principle, the bill he held in his hand proceeded. His lordship then adverted to some subordinate legal considerations, which seemed partly to arise from a contemplation of the particular circumstance which originally gave birth to the measure, and which might be thought necessary to be attended to on such an occasion as the present; but he thought it proper to make the bill as generally and as purely declaratory as possible, and without reference to any proceeding then before that, or the other house of parliament. Their lordships, however, would have an opportunity of more minutely considering the bill, on the 2d reading. He had rendered its language and tenour as guarded as possible, and he could not help flattering himself, that, with the assistance he should receive in perfecting the measure, from his noble and learned friend, he should be able to make it so as to meet the approbation of their lordships. After a few further remarks, in which he noticed what had been thrown out, as to affording, in certain circumstances, an ulterior protection to witnesses, and the consideration whether the present moment, were the fittest for such an enacting bill, he presented his declaratory measure, which was intitled, "An act to declare the law with respect to Witnesses being liable to answer." His lordship then moved, "that the bill be read a first time;" which was accordingly done; and afterwards ordered to be printed.

Lord Eldon made a few remarks on the nature of the opinions delivered by the learned Judges; of whom, seven, out of the eleven who delivered their opinions regularly, were, as the noble lord on the woolsack stated; at the same time, it should be recollected, that those who delivered a contrary opinion, did it as a general rule of law, which they admitted liable to many exceptions. This seemed, in the sentiment of the noble and learned lord,

to be an additional reason in favour of such a bill as his noble friend proposed. His lordship then alluded to a clause or provision, in effect, as he had stated on a former evening, which he should conceive necessary to propose, on the 2d reading of the bill.

[WITNESSES' INDEMNITY BILL.] Lord Holland observed, that in the course of the various discussions respecting the subject involved in this bill, several objections had been made to the bill which he had hitherto forebore to notice, but on which he could not avoid troubling their lordships with a few words, before he moved to discharge the order on it. After giving a short detail of the progress of the indemnity bill brought in last session, and of the bill now before the house, together with the questions referred to the Judges, and their opinions, he contended, that the present bill had been mistated by the noble and learned lord (Eldon), on a former occasion, to be an *ex post facto* law, neither was it the object of the bill, to alter the law as already existing. Those who had framed the bill, had done it with the best views and the best intentions, and in supporting the bill in that house, he had no other object than that complete justice should be done in the case to which it referred. He wished their lordships to keep in mind the precise grounds on which the bill stood; if a witness in any suit in a court of law was interested, he might be rendered a competent witness by means of a release; the present bill would have operated as a release to certain witnesses, of any debts which might be due from them to the crown. It was here that, according to the law, as stated by a majority of the Judges, and as about to be declared by the bill presented by his noble and learned friend, that a witness could not demur to a question on the ground, that the answer would render him liable to a civil action for a debt, but the bill went away to release the witnesses in the case mentioned, from those debts which could serve them for any ground of demurrer. He should not press the bill upon their lordships' attention now that a declaratory act had been presented, but should only observe, in addition to what he had stated, that the bill was sanctioned by precedents, respecting which he would content himself with referring their lordships to Viner's abridgement, and Mr. Cowper's reports. There was, however, one objection to the bill which he had not

heard stated in that house, but which had great weight in his mind, which was, that the advantage sought to be attained by it, ought not to be purchased by giving up any sums of money which might eventually turn out to be due to the public from any persons whom it was the object of the bill to indemnify. He concluded by moving to discharge the order for summoning their lordships for this day, observing, that he should fix no other day for the 2d reading, not, however, giving it up altogether, until something definitive was done respecting the proposed declaratory law.

Lord Eldon said, he still maintained his former opinion with respect to this bill. As to the analogy stated by the noble lord in the case of releasing a witness, it did not apply to the bill, there being no such thing known in a court of law as releasing a witness in the event of his making a full and fair disclosure, the release must be unconditional, or else it was a nullity.—The order was then discharged.

HOUSE OF COMMONS.

Friday, March 7.

[MINUTES.] The sheriffs of London presented at the bar, a petition from the lord mayor, aldermen, and commons of the city of London, stating, that the existing acts relative to a free market for coals in the city of London were defective, and praying leave to bring in a bill to amend and render the same more effectual. Referred to a committee.—Mr. Fox presented a petition from the company of Butchers of the city of London, setting forth “that an act was passed 43 Geo. III. to extend the provisions of two acts, passed 39 and 40 and 41 Geo. III. relating to the use of horse hides in making boots and shoes, and preventing the damaging of raw hides and skins in the flaying thereof, and to alter and amend the same, as to the cities of London and Westminster, and borough of Southwark and liberties thereof, and all places within 15 miles of the Royal Exchange; and that the petitioners and other Butchers residing within the limits of the said act have sustained very considerable loss by the operation thereof; and that the petitioners conceive the intentions of the said act might be more easily and effectually carried into execution, if the said act was repealed, and the necessary powers and provisions, so far as relates to the limits therein mentioned, comprised in one act: and there-

fore praying, that leave may be given to bring in a bill for the purposes aforesaid. Ordered to be referred to the consideration of a committee.—Lord Henry, presented the annual petitions from different Irish charities; which were ordered to lie on the table.—On the motion of Mr. Whitbread, the order made on the 2d Feb. was discharged, and a new order was made for a return of the volunteer force of Great Britain, cavalry, infantry, and artillery, describing the different state of discipline of each corps, and specifying the names of the returning officers.—On the motion of Mr. Harrison, it was ordered that a count be laid before the house, of all imported into Great Britain for the last 10 years, distinguishing the kinds and the countries from whence received.—Lord Castlereagh moved for the abolition of the men raised by the Additional Act; and lord Henry Petty moved for an account of the penalties incurred by the said act.—Mr. Hobhouse presented a petition of the several creditors of the Nabobs of Arcot, and parties to the agreement hereinafter mentioned, praying, that by certain articles of agreement, bearing date the 10th of July made between the East-India company on one part, and the creditors of the late Nabobs of Arcot, of the other part, a certain sum of money be provided for the satisfaction of the debts of the said nabobs, and vestigating the claims, and ascertaining the amount thereof, by certain commissions named in the said articles of agreement, and that all the objects of the said articles of agreement, as therein expressed, cannot be effectuated without the assistance of parliament: and the petitioners praying, that leave may be given to bring in a bill for effectually carrying into execution the said articles of agreement into execution, that they may have such relief as the petitioners shall think proper.” Ordered to be referred to the consideration of a committee.

[IMPEACHMENT OF LORD MELVILLE.] *Additional Article.* Mr. Whitbread moved for the order of the day for the house to take into consideration the report from the committee appointed to draw up articles of impeachment against lord Melville. He then said that he was unwilling to detain the time of the house, by entering at length into the details of the charges which were already before them; and that, as a deed, it would be unnecessary to do more than to trust, that the house, from w

been submitted to them, would find no difficulty in sanctioning the new article of impeachment which he was empowered by the committee to propose. But notwithstanding the clearness and accuracy of the report, which had been drawn up by an hon. and learned friend, now in the house, (Mr. Giles,) it might not be improper to say a few words as to its substance, and the form in which the committee had brought it before the house. They had thought that the new information which it contained was so important, that it could not with propriety be withheld from the house and from the country. The grounds of crimination appeared so new and material, as to call for the addition of another article of impeachment. It now appeared that not only the sum of 10,000*l.* had been misapplied by lord Melville, as admitted by his own confession, but that he had possessed himself, at an early period, of very considerable sums, to the gross amount of about 27,000*l.* This money had not been applied to the public service, but for his own private purposes, and for the accommodation of certain traders with whom he was connected. When he retired from the office of Treasurer of the Navy, he went out a debtor to the public; he remained a debtor during the short period of his retirement; and he was equally a debtor to the public when he resumed that situation; when he proposed the very bill for preventing the misapplication of the public money, he was a debtor to the public, and he continued afterwards to violate the very law which he himself had procured. Such were the facts which the report had disclosed. They might, indeed, have been brought forward by the committee, to substantiate the first article of impeachment; but they considered that, by being mixed with other matter, they were in danger of being confounded or overlooked, and that, by being used in support of a new article, the evidence would be more direct and satisfactory. Besides, it might seem unfair to the person accused, were charges not under the consideration of the house, at the time when the articles were first proposed, adduced in support of any of those articles. A right hon. gent. (the Speaker) who was intimately versant in the forms and usages of that house, had, indeed, informed him, that there was no precedent for bringing fresh articles of impeachment, after an answer had been delivered in by the person accused. But though the committee were

not supported by precedent, yet they were justified by reason and expedience. Were the general answer of the delinquent to preclude every future charge, this would directly tend to prevent investigation, and frustrate the ends of public justice. The committee were not chargeable with any want of diligence in the performance of their duty. During the last session, they had sat every day, from the period of their appointment, till the prorogation of parliament; only two days before which, the papers, on which this new article was founded, came into their possession. The hon. gent. added, that he did not expect any opposition would be made to his motion; and concluded with saying, that, whenever lord Melville should have given in his answer to this additional article, the managers were ready to go to trial on the earliest day that their lordships might think proper to appoint. He therefore moved, "that the committee which was appointed to draw up articles of impeachment against Henry lord visc. Melville, do prepare a new article of impeachment on the matter contained in their last report, and report the same to the house." Ordered.—After the lapse of a few minutes,

Mr. *Whitbread* brought up a report, which was as follows:

"The committee appointed to draw up articles of impeachment against Henry lord visc. Melville, and who were ordered to prepare a further Article, have, pursuant to the order of the house, prepared a further article against the said lord viscount Melville; which is as followeth; viz.

"ARTICLE X.—That Henry lord visc. Melville, after his maj. had by letters patent bearing date the 19th of Aug. 1782, given and granted unto him the office of treasurer of his maj.'s navy, did, on divers days and times between that day and the 5th of Jan. 1784, and also on divers days and times between the said 5th of Jan. 1784, and the 1st of Jan. 1786, take and receive, from and out of the monies from time to time issued or paid to him, as treasurer or as ex-treasurer of his maj.'s navy, from his maj.'s exchequer, or some other sources, for naval services, divers large sums of money, amounting together to a large sum, to wit 27,000*l.* or thereabouts; and did fraudulently and illegally convert and apply the same to his own use, or to some other corrupt and illegal purposes, and to other pur-

“poses than those of the public naval services of this kingdom, to which alone the same was lawfully applicable; and did continue the said fraudulent and illegal conversion and application of divers of the said sums of money, after the passing of the act of parliament for the better regulating the office of treasurer of his maj.’s navy.”

Mr. *Whitbread* then moved, that this article be taken into further consideration on Monday.

Mr. *Perceval* felt himself unable, at the moment, to make up his mind as to the strict legality of this measure. He gave the committee the greatest credit for their exertions, but it had occurred to him, and he thought it might be useful to suggest to the committee, that even were the house to vote this additional article of impeachment, certainly contrary to precedent, and probably objectionable in some other respects, it might meet with considerable obstruction and opposition in another place.

Mr. *Whitbread* allowed, that the lords might possibly object to this article, as not having received it before the defendant had put in his reply to the former articles. But undoubtedly, if the lords should be of opinion that a fresh article of impeachment could not be exhibited, and should refuse to receive it, it certainly was competent to the house, on the discovery of fresh crimes, to prefer an altogether fresh impeachment. Not only the reason of the thing, but motives of convenience to both houses, would, he trusted, induce their lordships to adopt a different determination.—The motion was agreed to.

[ARMY ESTIMATES.] On the motion of the Secretary at War, the house resolved itself into a committee on the Army Estimates.

General *Tarleton* said, he understood, that the estimates now on the table were merely a continuation of those laid before the house by the former ministers. He thought it extraordinary that the new ministers had not yet brought forward their own plans for the defence of the country, particularly as the declarations of a right hon. gent. (Mr. *Windham*), on the Defence Act, and the volunteer system, must operate unfavourably on each of them, and thus tend to diminish our effective force, while nothing else was substituted in their place. After all the activity which that right hon. gent. had displayed in his speeches, and all the plans which he had given grounds to expect, nothing had yet been produced.

Mr. *Windham* replied, that and decision advised by the cabinet. All delay must be violative to the object to be accomplished. Considerable alterations in complicated departments of the vice, required deliberation proportioned to their magnitude and importance, and he was disappointed to gentlemen calling for him, as the frequenters of the led for an entertainment. He was disposed to indulge them, and patience should never provoke any thing before the house than himself immature.

Mr. *Canning* contended that not been done to the Defence in the session a notice had been motion for its repeal; and a measure could only be carried into effect by exertions, was paralysed by this repeal.

The Secretary at War repeated a resolution which he made on the army estimates, and concluded the following resolutions, which were: 1. “That the number of effective men be granted for the his majesty, from the 25th of 24th of May inclusive: 2. To be granted to his majesty, for garrisons for that period: 3. To be granted to his majesty for rations for the same period.” Having been resumed, the report was received on Monday.

HOUSE OF LORDS

Monday, March 10

[MINUTES.] Mr. *Whitbread* was called on by several members of the commons of the united kingdom, to present at the bar, in the commons of the united kingdom, his article of impeachment against Melville. The article was read; after which lord Auckland moved, that it be referred to the committee appointed to search for precedents in the proceedings of that house of impeachment.—Ordered.

[INSOLVENT DEBTORS.] Lord *Albany*, on presenting a petition from the prisoners confined in the King’s Bench, addressed a few observations to the commons of the united kingdom, on the subject of insolvent debtors and the practice of imprisonment. He observed, that the subject, to which the petition related,

nour to present, partially referred, was one that deserved the most serious attention of the legislature, as well, with respect to views of justice and policy, as in reference to the obvious humanity of the case. The existing laws, in these respects, called for revision; and were capable of much amelioration: he wished some general legislative regulations were made, with respect to the subject. He could not expect, that an noble friend of his (lord Moira), who had more than once come forward on the subject, and who was, in every point of view, so capable of doing it justice, under the present multiplicity of his very important professional avocations, would be able to give the general subject that degree of attention which its various and important nature evidently demanded. However, he seemed to think a temporary regulating bill, such as had obtained in former years, and which, of course, would not occupy that share of time, or degree of attention, which a more comprehensive and enlarged regulation of the law, necessarily would require, might be brought forward, during the present session and be productive of beneficial consequences. The noble lord then presented the petition, the title of which was read by the clerk.

The Earl of Moira rose, and alluded to some forcible objections which had been entertained to partial Insolvent bills; but, notwithstanding these objections, his feelings and opinions upon the subject were such, that he should be inclined to countenance a temporary Insolvent Debtors' bill, were such a measure brought before the house; but circumstanced as he then was, he could not undertake to bring forward such a bill himself. On the general subject, he had not in the least altered his sentiments, they remained the same; but his duties and avocations were of such importance, and mostly of such a nature, as to admit of no postponement, that he saw no chance of his being able to give a measure of the kind that degree of attention it evidently required. Neither did he think the time and arrangements of the house would allow it, in the course of the present session, sufficiently to investigate and apply adequate legislative provisions, with respect to the general subject. There were two important trials pending, which would occupy all the time the house could spare from its ordinary legislative business; under these circumstances, he seemed to think the general subject could not be

brought forward with effect this session. Besides, it was not only of a very important, but of a various and comprehensive nature; and the investigation should proceed step by step, as the best means of affording a prospect of a satisfactory issue; but, he repeated, that with respect to himself, he did not feel authorized, under the circumstances in which he was placed, to bring forward a measure of the kind; but that were such a bill as he alluded to, to come before the house, it certainly should have his countenance.

The Lord Chancellor observed, that under his circumstances also, he did not consider himself as duly prepared to bring such a bill before their lordships; but, as his noble friend who had last spoken stated, he should give every attention in his power to a bill of the kind, if brought forward. He agreed with his noble friends in what they said relative to the general subject. He had, in the course of his long professional experience, seen many instances of individuals deprived of their liberties through misfortune, and had frequent occasion to lament the unhappy consequences in that point of view, of the operation of the present laws. After a few further remarks on this part of the subject, the noble and learned lord said, if such a bill as that adverted to by his noble friend, should be brought forward, he would contribute his assistance in forwarding the measure, towards the relief of the unhappy objects of it.—The petition was then ordered to lie on the table.

HOUSE OF COMMONS.

Monday, March 10.

[MINUTES.] Mr. Johnson, from the office of the chief secretary of Ireland, presented at the bar, an account of the ordinary revenue of Ireland, pursuant to an order of the house.—Mr. Calcraft presented the ordnance estimates, and gave notice that although it was earlier than the usual practice, yet as he apprehended no objection would be made to his proposition, and as it would be attended with much convenience, he would move them in the committee of supply on Friday.—On the motion of Mr. Whitbread, the order of the day for taking into further consideration the report of the committee appointed to prepare another article of impeachment against lord Melville, was read. He then moved, that the said article be one other of the articles of impeachment against lord vis-

count Melville. Ordered.—On the motion of Mr. Witbread, it was also ordered, that a clause be prepared, saving liberty to the commons to prefer any other articles of impeachment against lord viscount Melville, and that he be put to answer the same; and that the committee appointed to draw up the articles of impeachment, be appointed to draw up the said clause. The hon. gent. immediately brought up a report from the committee, containing the above clause, which was read, agreed to, and ordered to be engrossed, with the article of impeachment.

[ELECTION TREATING ACT.] Mr. Tierney, pursuant to the notice he had formerly given, rose to bring forward his motion for leave to bring in a bill to explain and render more effectual, an act made in the 7th and 8th of William III. chap. 4, for preventing charge and expence in elections of members to serve in parliament. Every gentleman with whom he had conversed on the subject, agreed with him on the necessity of some measure for giving effect to an act of parliament, which had been found by uniform experience, to fall in most cases greatly short of the object it avowed; but many were of opinion the attempt would be attended with difficulties scarcely surmountable. It was by no means his intention to give to that act any new construction, to the exclusion of any particular class or description of voters, or to pervert its meaning from the object it fairly avowed; but merely to remove the doubts which had arisen upon its construction in the minds of committees appointed to try the merits of elections, and to give it some certain and defined construction; and the construction which he should propose, was precisely that which had always struck his own mind on the subject. The object of the act in question, was to exempt candidates from the enormous demands to which they were made liable, under the head of charges for the conveyance and travelling expences of voters not resident at the place of election, and to prevent the system of bribery and corruption which, under the pretence of such charges, might be and actually were carried on. The evils in those cases could not arise in places where the voters were all residents of the town or vicinage, but where persons claiming a right to vote at such elections resided at a distance, often at the extremity of a county, which constantly gave rise to scenes of confusion and enormous expence; for, in

coming to give their votes at as they uniformly claimed the their conveyance and travell and those upon the most extra from the candidates for whom to vote. Perhaps there might great objection to allow the claim coming from a distance to g at a considerable loss of time, sonable allowance for travel and necessary refreshment; t of making such allowances ha open a door to such extravag on one hand, and gave such a for bribery on the other, the intending candidate must ha wished to see some effectual such a system. Many deter taken place from time to time sentations and complaints o but they were all upon dist and none of them including tions for which remedy was were there any cases which affording any series of pre could be decisive for the clea of the act. The chief diffic curred in Westminster Hall; of Common Pleas and Kin differed materially in their the subject. In the former o had been brought in the ca and others, on the part of recover from a candidate a sments given to his voters: b Eyre was of opinion, the sustain such a demand, and t trary to the act of William case occurred in the court of in which the elector, who l Durham, where he resided, t at Taunton, where he posse voting for one of the candida he would give his vote, he for his conveyance and trave and said he should not vote t He was an itinerant musicia culated the expence, and v his vote without receiving suit was afterwards comm this man, upon the ground the chief justice then, in s evidence, found that a pe Durham to Taunton at eigh mile, amounted to much t of the charge; that the m charges must also be consid little allowance made for his friends at a time of elec

adding his loss of time, the charge altogether was not considered to be of that exorbitant kind, that could justify a charge of corruption or bribery, and therefore the decision was in favour of the defendant. Notwithstanding, however, the decision of the Court of King's Bench in that case, every man must feel the excessive hardship imposed upon a candidate who stood the election for any place situated as Taunton was. If he were to be put to the expence of 30 or 40*l.* for the conveyance of any voter from the most distant part of the country, merely because that voter chose, for his own interest or convenience, to reside out of the town where he claimed such vote, and in some other town at a distance where his mere residence gave him the right of another vote, as was precisely the case here, the expences to which a candidate might be put in such cases for the conveyance of electors, to gratify their own wishes, and exercise their own privileges, for their own advantage, were as incalculable as they were unjust, and ought not to fall on the representative; for it was not merely the actual expences incurred, which they would have to pay, but the extravagant profusion too often indulged by such electors as these, when they felt themselves travelling not at their own charge, but at that of a candidate, whom they suppose well able to pay. With respect to county elections, the case was certainly different in relation to the elector; because, voting from freeholds, often in remote parts of the country, upon which they resided, certainly it would be hard for them to travel at their own expence to a county election to vote for any candidate; and though there might be no strong objection for a reasonable allowance to the voter for conveyance, yet still it would be extremely difficult to draw the line of strict propriety in all cases, so as to guard against the abuses such a system admitted of; but upon the candidate the hardship must be still greater than in the other case; because the expences must be incalculably more enormous. No man of moderate fortune, however respectable his talents and character, could pretend to stand the contest for a county against a wealthy rival. It would be in vain that the law required as a qualification for representing a county 600*l.* a year landed estate, or 300*l.* for a borough; since no man, under the liability to such a system of expence, could venture to set up for a county, who was not prepared to spend in the pursuit more than the fee sim-

ple of his qualification; nay, without being prepared to squander from ten, to twenty thirty, or even forty thousand pounds in the contest. The strong point therefore to which he particularly objected, was the extreme hardship imposed upon the candidate, in being left open to the claims of the voter for his conveyance and travelling charges from one extremity of a county to the other, to exercise his own privilege, and for his own advantage. It was for this he wished a remedy; and so it was an effectual one, he should not be very fastidious as to the form. A plan had been heretofore proposed, for preventing the confusion and expence attendant on county elections, by enabling the electors to give their votes within their respective districts. He should have no objection even to such arrangement; but, from the principle avowed in the very preamble of the act to which he alluded, he held it to be the clear and obvious construction of that act, that the candidate, in all events, should not be charged with the expences of conveying electors to gratify their own wishes, and for their own advantage, to exercise their privileges. And whether the expence was to be defrayed by a county-rate (though he was not quite agreed as to that), or what other mode should seem more eligible, the candidate should certainly be exempt. The act of king William contained no distinction between residents and non-residents. It was an act not hastily introduced, but one that had been, at a prior period, under the consideration of parliament. The right hon. gent. here read the preamble of the act, which stated, that it was to remedy the great grievance of expensive elections, &c. Such being the case, it was obvious that the intention of the framers was not to confine its operation to the places of which the residents alone were electors, more especially as the proportion of these to those where non-residents had the right of voting, was only as one to four. Three-fourths, therefore, of the kingdom were totally out of the beneficial influence of the act. He had never heard it contended by legal men, that the law did authorize an allowance to a non-resident voter for loss of time, &c.; the only ground on which such allowance had been defended was convenience. It might be thought that the operation of the bill, which it was his wish to bring in, would be to disfranchise three-fourths of the voters in the kingdom. If he were of that opinion, he would be the last man to

under which the number of 400 had been so very greatly increased very considerably to decrease of candidates for elections, but of the enormous expences to be by election contests; whereas of qualification, by confining franchise to that description whom it was originally designed to excise, would open a wide door admitting to that house an order very much wished to see there men in which England more country of Europe abounded men of moderate fortune, principles, liberal education, understanding; who well understood constitution, and the true interest of country and were firmly attached to the maintenance of the one, and the other. It had been suggested by gentlemen, that it would be advisable to publish a county-rate, for the purpose of putting the expenses of those elected at a distance from the place. To this he certainly had no objection, but he could not see on what principle non-residents were entitled to counties taking the poll at some might in some degree obviate the inconvenience complained of. At the same time it was only the alternative of a compromise between the contending parties, and a scene of dreadful riot and confusion at the place of contest. An objection might be urged, that the law might be so framed, that no man might be a candidate, and that no man might be elected, if he had given no vote in his election, if he had given no vote to an elector. But had he petitioned to this effect from a plurality of voters were resident, and wholly the operation of the act of 1783 had extended? There was a strong objection which might be made, that a strict adherence to the letter of the law would destroy the spirit of hospitality. In his concept it would promote it; for the gentleman would not be deterred from attending by the necessity of genuine old English hospitality, but by the necessity that was now imposed upon him of providing for the extravagant expenses of a contested election. It might be said that voters would become more attached to their representatives, and that the influence of popular spirit would be increased. To this he could give no answer. In his own election for the borough of Warwick there was, though no more than a strong manifestation of

ever. All the difference that he could perceive was, that the speeches of the candidates were listened to by sober men instead of drunken ones. When the house came to the resolution that no candidate should be allowed to spend more than 5*l.* at an election, a sum which was afterwards increased to ten, was it intended by them to leave a loop hole permitting candidates to expend 10,000*l.* at an election? Was this practice in consonance with the spirit of the resolution which was passed by the house, thanking the electors of some counties for having elected their members without expense? In 1774, a committee was appointed to revise all the laws relative to elections. The report of that committee was well worth the attention of the house. That report suggested the expediency in some counties of making compensation to the freeholders for their expenses, &c. but not the least hint of throwing this burden upon the candidate. It therefore confirmed his opinion, that the candidate should be exonerated from any such charges. He wished this broad principle to be established, that every man must vote at his own expense, and any particular cases that might occur might be left to the consideration of committees. It would be for them to determine what amounted to a bribe and what not. A bottle of wine given by a candidate to his equal, could not be considered as a bribe, but there might be instances in which even such a trifling gift would influence a man of a different description. If the bill which he proposed, should pass into a law, he firmly believed that all the evil proceeding from popular elections would be done away. As the law stood, men of small fortunes were completely excluded from parliament. It was a mere mockery to say, that a man possessed of 600*l.* a year was qualified to be the representative of a county. Perhaps there was no county in which among the men of moderate property there was so much talent, and so much integrity, and yet these men were virtually excluded, unable as they were to undergo the expenses of an electioneering contest. The only sufferers by the bill would be men of no family, no talents, no virtue, and who depended for their success solely on the influence which their riches gave them. The right hon. gent. Mr. Tierney concluded by moving for leave to bring in a bill to explain and render more effectual an act made in the 7th and 8th of king William III. for prevent-

ing charge and expence in election of members to serve in parliament.

Mr. Secretary Fox allowed that he was one of those who had a good will toward the object of the hon. gent.'s motion. It was necessary for him to rise at this early stage of the question to say, that he did not think so lightly of the difficulties that were in the way of that object, as the hon. gent. There might be means discovered of removing them, but they were certainly not trifling. With regard to what had been said about the 40*s.* freeholders, it should be recollected, that their non-residence was no act of their own. As for comparing the freeholders to that amount of the present day, with those in the reign of Henry VI, he had always been of opinion, that this was a point of the constitution better understood at the present day, than in the times of the houses of York and Lancaster. There was an aristocratic principle in limiting the right of voting to those who possessed a certain value of landed property, which the subsequent depreciation of money had much reduced and meliorated. Had a bill been offered to the house to deprive freeholders under 30*l.* a year of their elective franchise, he should have given it his most decided opposition. The hon. gent. himself had admitted, that this would not be expedient. If therefore, it was not justifiable directly to deprive them of their right, neither was it justifiable indirectly to do so. The hon. gent. allowed, that Yorkshire was an instance in which, from the extent of the county, inconvenience would result to many of the minor freeholders, if a compensation for their expenses were withheld from them. But not Yorkshire alone, Lancaster, and several other counties, would be subject to the same grievance. As to the plan of taking the poll at different parts of the county, when it was first suggested, he felt repugnant to it, but the reasoning of the hon. gent. rendered him willing to acquiesce in it. At any rate he was desirous, by every means, to avoid confining the right of voting at county elections to the large freeholders. Now, with regard to the boroughs, he must say, that the hon. gent. went too far in saying that it was in the option of every voter to remain a resident or not; and that if it was an inconvenience, it was one which he brought upon himself. This was much too generally stated. At such times as the present, when the exigencies of the country called so many men from their homes, this

any man was peculiarly reprehensible. The hon. gent. said that every man who went to fight for a soldier should be deprived of his elective franchise? that he should surrender his rights as a freeman? that is not. Much less in the case of a gentleman. It would indeed be the hardest case in the world, when a man had been recruited for that service, and had been compelled to go to a distance from his home, and his home to defend his king and country, that he should be compensated, by being deprived of his right to vote for a member of parliament. He perfectly concurred in the principle of the bill, but he thought that the hardships were not so great as was imagined. With respect to the comparative value of money, he agreed with the hon. gent. that a qualification of £100 a year was sufficient for a county member. He should think the qualification sufficient had it been less. But it could be ascertained, when the depreciation of money was ascertained upon one side of the question, that a hundred years ago the depreciation of the value of money, from the present time, though not so great as between the present time and the reign of Henry VI., was yet very considerable. On the principle which had been argued by the hon. gent. therefore, these qualifications should be raised; he was however, of a different opinion. This matter should certainly be put so clearly out of doubt, as to satisfy committees from any hesitation in the decisions. The hon. gent. had said, that a candidate asked his equal to drink a glass of wine, it could not be deemed a bribe, but that if offered to a poor man. He had added, that committees would be the judges of these and similar circumstances. But were there no intermediate ranks between the gentleman of fortune and the poor man? And would it not be most intensely to excite enquiries as to the probability of such or such a man's being influenced by a consideration of that amount? He was decidedly of opinion, that the subject should be settled, but it must be without virtually or directly disfranchising any considerable number of voters. In that object could be accomplished, the bill should have his hearty support.

Mr. *Forster* explained. All he wished was, that this law should be distinctly established, but in doing this, it was his earnest desire to prevent the possibility of any man's being disfranchised. What the hon. gent. had said of the hardships

which a soldier would incur, deprived of his elective franchise, was true. For this, and similar adequate remedy might be applied. He hoped that the bill would be obscure or ambiguous, but the principle should be general, namely, that every voter should be at his own expense.

Mr. *Lee* gave great credit to the excellence of the bill, and for the clearness with which it was explained, but agreed with the hon. gent. under him (Mr. Fox), that the difficulties in the way were considerable. A great many safeguards in the bill must be the basis of some thousands of electors rendered impossible for a moment by making a journey, which he could not afford much the same thing as depriving him of his right altogether.

Sir *Robert Buxton* wished to state one statement that had been made by the right hon. mover. He said the voter exercised his right of pleasure; now he had added that he exercised it for the pleasure of the public at large.—The question put, and leave was given to the hon. gent.

[AFFAIRS OF INDIA.]
rose, pursuant to notice, to read two letters written by him to the court of directors; as from sir George Barlow, 1st Baronet, the government of India. He said that any personal animosity to the late lord Dalhousie, or any wish to bring him down, but he thought it was the duty of the house should at length be brought to the mode in which for a long time governed India. He said that members should compare the late lord Cornwallis with that of the late lord Dalhousie, and make up their minds. As for his part, he felt that he was indebted to the late lord Dalhousie for much of his system as established, and his military reputation and ascendancy, but he highly disapproved of the system which that system was based upon, when, under pretence of saving the native powers of India, to receive British garrisons in greater subjection in India than the kings of Whiteman's land are at this moment by France. Under vague pro-

a mind, and views of too great ambition. He hoped the house would recur to its former resolution, and that that would be for the future the established system of an government. Under the former system, a noble lord (Castlereagh) had often stated upon advantages that were to result from it, but which promises were never realized; whereas, on the other side, it appeared that the real situation of our affairs in India has become so distressed, that 200,000*l.* have been stopped from the treasure destined for China, and 50,000*l.* borrowed from the government of Madras to help to defray the arrears of pay to a number of irregular troops, which are kept at an expence of 60,000*l.* per month, whose support is stated to be much more injurious to the company than their utility in the field could possibly be. The hon. gent. then took a review of the various treaties entered into by the marquis Wellesley, with the native powers, most of which he thought highly impolitic. A very short time after the treaty with the rajah of Serampore, that prince admitted our enemies into his fortresses, and the British army of above 3000 men vainly endeavoured to take his capital. The treaty with India he equally disapproved of. Some disputes had arisen about the construction of some of the articles of that treaty, and India immediately seized and imprisoned the British resident in his dominions, which was the occasion of the present war in Asia. He thought it was full time for parliament to lay down some fixed principles

of the papers moved for, although he must observe, that his hon. friend did not appear to him to have stated any necessity or parliamentary ground, upon which the ought to be laid before the house. As to the hon. gent.'s allusion to the propriety of a declaration on the part of his majesty's ministers, relative to the system of government meant to be acted upon with regard to India, he was at a loss to conceive any reason upon which that demand could be justified. No disposition was manifested to deviate from the course which was now pursuing respecting India; and until such disposition should appear, he apprehended that it was quite unnecessary in ministers to make any declaration upon the subject. Indeed, it seemed to his mind that, according to practice, some resolution should be adopted by the house, expressive of its opinion and wish, before ministers were called upon to enter into the question. The hon. gent. had alluded to the opinions formerly delivered by him, relative to the government of India. To these opinions, he could assure his hon. friend, that he still completely adhered. They were declared above 24 years ago; and as far as he had since had opportunity of observing the affairs of India, to which, perhaps, he had not attended as much as other men had done, or as much as he ought, he had never seen or heard of a transaction which served to weaken the confidence he entertained in the justice of his original opinions, but which did not rather tend to their complete justification. However, an act had passed in conse-

ded over the government of India, he saw least ground to question the intentions, or to ask explanations as to the views, of the present, by whom every disposition was shewn to follow the course prescribed in the resolutions formerly adopted by the house, and of which the hon. mover professed to approve. No one could doubt the propriety of entering into an investigation of the affairs of India: but the present did not appear to him to be the proper time. When the India budget shall be brought before the house, his hon. friend was aware, that the statement to be looked for on that occasion, would naturally be connected with the political system of India, and that then would be the proper time to select for a full discussion of that subject. The right hon. gent. repeated his disinclination to oppose the production of those papers, although no adequate reason was assigned by the mover, although no intention was announced, proposing an enquiry, or of grounding any proceeding upon them. At the same time he took occasion to remark, that he could not conceive any good reason for the alarm and anxiety which was, by his hon. friend, and by other friends, for whom he had a high respect, so particularly stated to prevail with regard to the government of India. It really appeared to him very strange, that a much greater degree of jealousy should seem to apply to the present board of controul, than to that which preceded it.—Upon the whole, the right hon. gent. did not feel the propriety of calling upon ministers for any distinct pledge as to the course of policy which they meant to follow with regard to India. No intention appeared to exist, either on the part of his majesty's government, the board of controul, or the court of directors, to abandon the course of which all sides of the house expressed their approbation; and therefore no pledge was requisite. If any variation of circumstances should call for a change of system, an explanation would of course become necessary. But in the present instance he did not think that any further explanation or pledge could be fairly required.

Mr. *Hilcy Addington* concurred with what had fallen from the right hon. gent. (Mr. Fox): he did not see that any necessity had been shewn for the production of the papers which had been moved, but at the same time he saw no objection to their being produced, especially as the contents of them were already pretty public, and as

the hon. mover had, in his long extract from one of (which, as an East-India prop seen) he thought that it would way to produce the papers, i the whole of the letters might house instead of a partial ext a member of the board of considered those treaties on w mover had made so many and he viewed those transacti different light. As to that w of Bhurtpore, it would not be the failure of the treaty upon it. The failure was owing to pled treachery and perfidy o and not to any improper con Wellesley, who concluded th him. He sincerely gave th the greatest credit, for the r had induced him to bring for sent motion, and was sure, t at all dictated by any persons marquis Wellesley. He ho also obtain credit, when he was from public motives also averse to prejudging any p duct of lord Wellesley, whic day, would come before the larly for discussion.

Mr. *Charles Grant* allowed tem pursued by lord Welles military system, very splendid with many advantages. But think that a fit system for India, the effect of which involve us in quarrels with princes. In order to procu blishment of the pacific syst of directors had with all promoted the return of lord India. This nobleman's de to be lamented, but there that his successor would follo He was happy to hear this have the support of his maj ment. With respect to th lord Wellesley, the court of ther approved of them, not them till they were carried i thought that the name and George Barlow ought not question, because he was n fend himself.

Mr. *Huddleston*.—I rise, the motion, and shall endeavor as I can, to state the views in it of importance, that the for should be laid before th

usual argument of danger to the public interest from the disclosure of papers, is effectually done away with respect to Indian papers by those which have been already published, and most especially by the late intercepted letters which have been published, both in France and in this country, in which whatever can either inform or irritate our implacable enemy is laid open to his view. After that complete development, I apprehend no one will talk of danger to the public interests, from the disclosure of any India papers; but, with respect to those now moved for, I am of opinion the disclosure of them, instead of producing mischief, will tend to correct the mischief which the publication of the late intercepted letters was calculated to produce, by destroying the hopes which the enemy must have indulged, of our persevering in a system that was leading us to ruin. And here, sir, the production of these papers will be of solid benefit, by shewing the true nature of that system, stripped of these ornaments and decorations which dazzled the eyes, and, for a time, led captive the understandings of good and able men in this country. They will shew, upon an authority which no eloquence can gainsay, the real value of that for which so tremendous an expence of blood and treasure has been incurred. With respect to the executive body of the East-India company, I have no hesitation in confessing, that I am glad these papers have been moved for, and by an hon. member who is unconnected with the court of directors. It is true another hon. member, who has given more attention to India affairs, perhaps, than any other person, and who has brought to the subject talents proportioned to its magnitude, has declared the India directors free from any blame for the existing evils. But these papers will shew that the directors have been as anxious to terminate those evils as they could have been if they had themselves been the authors of them; and they will give the house the satisfaction to know, that much was done towards the termination of them, even in the few weeks that lord Cornwallis was spared after his arrival in India. They will enable the house to appreciate the great services rendered by his lordship, even in that short period, and they will shew how and by whom those services were procured. These papers will also have the effect of removing all doubts as to a fact, of which I have heard, with sur-

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prise, that doubts have been expressed in this house, namely—that the Mahratta war has been the great preponderating cause of the present deranged state of the finances of the East-India company. Not the only cause, I admit: for, the same system which gave birth to the war, gave birth to a system of finance and expenditure which would nearly have absorbed the whole revenue, even on a peace-establishment. But when war was added to the scale, it was impossible for the finances to bear up under the accumulated weight. These papers then, sir, will shew that the present financial difficulties of the East-India company are among the serious evils occasioned by the late system; a system of which I question only the wisdom, not the intention or integrity of mind with which it was undertaken. I can also, as well as the hon. gent., with the utmost sincerity, disclaim any motives of personal ill-will to lord Wellesley, and whatever may prove to have been the object of calling for a great variety of India papers, I concur entirely with the hon. mover of the question, that it is extremely desirable that parliament should come to some resolution that should re-establish the principle unanimously adopted and declared by this house in the year 1784. The papers in question will shew, that a change of system, in India, is both resolved and entered upon; but the transactions of the three past years, and the death of the marquis Cornwallis, may make it difficult to induce a belief that the change is sincere, or likely to be permanent; painful experience has wrought the conviction here, which reason and argument failed to produce;—that if India is deemed worth preserving, the system and principles of that great man whom the whole Indian world is now lamenting, must be followed up; and faithfully to adhere to his policy, was the only true wisdom for governing India; and its wisdom consisted in its simplicity, in its justice, moderation, and forbearance, alike to the strong and to the weak, alike in success and under adverse fortune. Had the marquis Cornwallis remained in India, instead of coming home, after his first administration, the most sanguine expectations of advantages from India would have been realized, and that for which we have contended at such dreadful hazard and expence, would have been forced upon us by the affections of the people. The British government would have been voluntarily looked up to as the universal

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empire throughout India, the dispenser of peace and happiness through regions larger than the whole extent of Europe.—I am anxious then, sir, for a resolution that should pledge this house in favour of the system and principles of the late marquis Cornwallis, and bind all our future governments in India to emulate his example. And if an hon. gent. below me (Mr. Francis) would permit me, I would call upon him to bring forward such a resolution, or to renew a proposal which he brought forward last session, and which was then unhappily rejected.—I say unhappily rejected, because I am persuaded that that resolution, had it been carried, would have proved of great importance, by strengthening the hands of lord Cornwallis, and enabling him to shew the Indian states, that the principles on which he professed to act, were not his only, but those of parliament and the country at large. Sir, it was a resolution directly in the spirit of that great man, on the re-appointment of lord Cornwallis to the government general, to which his majesty's ministers had just given their sanction. And I therefore witnessed, with equal surprise and concern, the exertion of that transcendent eloquence which prevailed on the house to reject it; how often that eloquence was exerted for the welfare of the country, no one can be more sensible than I am; but, in this instance, I shall ever think it was misapplied.—I rejoice in the belief that his majesty's present ministers have not entangled themselves in the mazes of the late system, nor been dazzled by the splendour and glare attached to it. I have heard with pleasure the sentiments delivered this evening, by a right hon. gent. (Mr. Fox). I recollect with pleasure the sentiments delivered last session, by a right hon. gent. now high in his majesty's council. I hope and trust that right hon. gent. and his colleagues will now act up to them, and if they do, much may yet be retrieved. In the present moment, which I believe to be not less awful in respect to India than Europe, nothing—no individual measure, could produce more salutary effects, than a resumption of the discarded principles to which I have alluded. And the hon. gent. who brought forward the resolution last session, might now offer it under happier auspices. I owe it to myself, as well as to that hon. gent., to declare that I colour in almost all I have

I that right hon. gent. deliver in this the affairs of India; his view of

the whole subject is that, w any conversation with him, long taken; and whether he the company or not, of this I the most determined friend pany could not have offered advice more friendly to their those which I have heard t gent. deliver in this house. ance on that friendly dispo the East-India company, th sumed to urge him to rene tion, and my apology must tion which I have, in commo the calamities which have fo parture from the wise prin was the object of the proposi And I hope the house will a apology for my trespassing s patience. Few other subject come my reluctance to such

Mr. PEARCE denied that the treaty with the rajah of Bhurt entirely to the treachery of d read an extract from a letter lesley, written in the month which showed that his lord's opinion of him. He took ap pointment of sir George Bar of the acknowledged necessity the Indians are.

Mr. Secretary FOX requested of the house, merely to sta to what had fallen from the (Mr. Grant), that his mge did not, in the appointment low, mean to plunge themse self on any particular system in India. The fact was, th most of the hon. memb. return be undertaken a high resp even before the present ann fully formed, in order to pre vention of any interregnum

Lord TEMPLE declared, th have said a word about the Bhurnore, were it not for ving been read from a comm writer, by lord Wellesley a he entertained a favourable rank; but, in a very short detected a correspondence a kur, for the purpose of lord drive the English out of. In get himself to prove, when came on direct treachery that prince; and that the was only prevented by his I cannot, of the fort of Bhurnp

that he was himself in alliance with the company. He begged of the house to suspend, till the discussion came on, their opinion of the conduct of the noble marquis, which was approved of by the secret committee of the court of directors, whose orders he was bound to obey.

Mr. Francis.—Sir; Before I begin what I intended to say on the present motion, or rather on some collateral subjects connected with it, I beg leave to take notice of a passage in the latter part of the speech of the hon. director on the other side (Mr. Grant). He said that the name and character of sir George Barlow ought not to be called in question, because he was not here to defend himself; much less was it just or decent to canvass the merits of any man by anonymous publications in the newspapers. That he was a person of long standing and great merit in the company's service; that, on this ground, he had been confirmed in the office of governor-general by an unanimous resolution of the court of directors, confirmed and ratified by a most deliberate and most solemn act of his majesty's present government, which he had no reason to think was not the act of the whole administration. At all events, he was now fixed in his office by concurrent resolutions of all the lawful authorities of this country. That he ought to have fair play; that his merits should be tried by his future conduct; and that, on no account, would it be just to condemn the said sir George Barlow unheard; with many other general topics of the same. Now, sir, I desire it to be observed, that though this gentleman's name and merits have been repeatedly introduced in this house, they never were mentioned, much less have they ever been canvassed by me, either here or any where else; and for a very good reason; because I myself know nothing about him. In that question I have no personal interest or information, nor a concern of any kind. What I have heard of his conduct in office, from pretty good authority, is certainly not in his favour. My information comes to me, in various ways, from the India House, and nominally from some gentlemen in the direction, who, till very lately, made no secret of their opinion. Now I would ask the hon. director, a few plain and, as I think, parliamentary questions on the case in hand, if he will allow me that freedom. Do the court of directors, does he himself approve of lord Wellesley's proceedings?—of what part? and to what

extent? Or do they and he condemn those proceedings, without any saving clause, without a reserve or a qualification of any kind, excepting perhaps the second war against Tippoo Sultan? If he answers this last question in the affirmative, as I am sure he will, I then ask him what was the conduct of sir George Barlow, who stood next to the governor-general, and was the first in his council? Did he ever oppose or even remonstrate against any one act of lord Wellesley's government, good, bad, or indifferent? Did he not vigorously support, did he not heartily concur in all those acts? Did this conduct of sir George Barlow entitle him to the approbation of his hon. employers, or did it meet with their severest indignation? But now he is immoveably fixed in his high station, and we ought to look forward. I think so, not generally, but in this special case, because it will not bear a retrospect.—As I perceive that the motion made by my hon. friend is not to be opposed, I shall content myself with saying that I should vote for it on the same general principle on which I have always acted. And indeed, how is it possible, that this particular motion should be resisted? The papers in question have been made public by the court of directors. They have been communicated to a general court of proprietors, and laid open to the inspection of every individual owner of India stock. Can the intelligence contained in such papers be called a secret? or is the house of commons alone unfit to be trusted with it? Why, sir, a most material article in this intelligence is already in print. I have read this day in a newspaper, an extract of a letter from lord Cornwallis, dated the 9th of August 1805, in which he tells the directors, "that an enquiry into the state of
" their finances afforded the most discouraging prospect; that, unless some very
" speedy measures were taken to reduce
" their expences, it would be impossible
" to meet with effect the contingency of
" war; that the most burthensome and
" least useful part of the existing military
" expences arose from very numerous
" bodies of irregular troops, entertained
" at an expence of near 60,000*l.* sterling
" per month; who, if dismissed, would be
" less formidable to us in the field, than
" while they remain so distressing a drain
" upon our finances! At this period,
" your regular troops are little short of
" five months, and many of your public

" departments, on which any movement of your armies depends, still more in arrears!" The only expedient which occurs to his lordship for relief, is " the detention of the treasure destined for China, viz. 200,000*l.* and strongly to urge the government of Madras to spare 50,000*l.* of the specie allotted for the service of that presidency." This is bad news certainly, and impossible to be concealed. Or would it mend the matter, if you were able and willing, to suppress it? I shall vote, I say, for this motion on the same general principle, on which I have always acted, and which has been professed by persons of greater authority, full as explicitly as by myself, I mean by the board of controul, ever since its institution, and particularly by Mr. Dundas and lord Castlereagh at all times. Their avowed principle, with regard to all Indian transactions or concerns, was publicity. They courted, they invited discussion. On these subjects, they were quite delighted to have their accounts examined, and their opinions sifted to the bottom. Nothing could exceed the good humour of Mr. Dundas, or the politeness of the noble lord. They always appeared to listen to me with an air of civility and sometimes, I confess, with an appearance of attention. But I hope no man suspects me of the vanity of presuming that they ever paid the least regard to any thing I said. I am sure they will both acquit me of having ever interrupted their Indian repose for one moment. For my own part, sir, I have no idea of what can be seriously meant by an Indian state secret. As to an European enemy, they are full as well informed as we are; sometimes much sooner, and much better. But perhaps the papers printed for the use of the house of commons, and our debates on the contents, may be carried back to India, may be read by the natives, and either alienate the princes of that country from us, or furnish them with dangerous information. Now, sir, I remain to be convinced, that, out of Calcutta and above the rank of a Banian, there exists a Hindoo a Mohammedan, or a Mahratta, who ever did or could read, I believe I might safely add, who ever heard of an English newspaper. But, were it otherwise; the distance alone would make the publication of any opinions in England, on any given transaction in India, utterly useless and indifferent to those princes, who might have been originally most concerned in it. Observe

the case as it always is, and more, or less, as it always must be. An act done ten or twelve months ago, many hundred miles north-west of Calcutta, falls under the consideration of this house. After many adjournments, and sundry debates too, either here or at the India house, some rapid resolution is taken in three or four months. Another year carries back the echo of the first intelligence from London to Lucknow, to Agra, to Delhi, to Ugein, or to Nagpore. Why, sir, long before it is possible for the act or resolution here to reach its destination, a brilliant victory has put an end not only to the original question, but to all the adverse parties concerned in it. The survivors, if any are left, and if any of them can read English, may find a sufficient consolation, where they are not very likely to look for it, in the English newspapers, namely, that all such proceedings are severely condemned by the British parliament; I ask pardon of the house: I am ashamed of arguing these absurdities any longer. The only imaginable case, in which it might be dangerous to publish any information, would be a return of the state of our military force in India, supposing it to be weak in numbers, or otherwise unprepared for service. Not that I believe that even such a publication would tell the enemy on the spot, much more than he might easily have known without it. But is it possible that a member of this house, that any but a fool or traitor, that any man in his senses would offer such a motion? And, if he did, could such a motion prevail? Would the house suffer it to pass? Would they endure to hear it proposed? I put the case only as applied to an army greatly reduced, and actually weak or unserviceable. For otherwise, if the army in India were strong and complete to its establishment, and as well equipped as it ought to be, I am not at all satisfied that there might not be an advantage in making it known to our enemies on the continent. It might probably deter them from attempting to disturb us in India. Sir, I will not descend so low as to disclaim any idea of personal enmity to lord Wellesley, or to admit the possibility that such a disclaimer, on my part, should be necessary. I defy the acutest human sagacity to assign a rational motive, of any kind, for such animosity. But, without a ray of wit or wisdom, it is easy enough to discover a very sufficient motive, which might have induced me to take an oppo-

site course. Setting aside these low as well as useless personalities, what has been the general current of the debate this night, with only one exception? Has it not run entirely on the rectitude of the principles exclusively attributed to lord Cornwallis, and the merit of his conduct acknowledged by all men? Why? Because the principles and the conduct, so universally approved, were in direct and irreconcilable opposition to those of lord Wellesley, whose acts were cut down, whose whole system was subverted root and branch, without reserve, without even the form of a personal palliation, by his noble successor. Now I appeal to the honour and to the justice of the house, and of every man who hears me. What do all these acknowledgments of exalted merit in lord Cornwallis, and all this approbation of his conduct amount to, but an admission, nay much more than an admission, a positive parliamentary assertion, that, from first to last, every thing I have said and done about India was right? Is it possible for the court of directors, or for my right hon. friend (Mr. Fox) to concur in the principles, and to applaud the proceedings of lord Cornwallis, and not to condemn lord Wellesley? Those extremities can never meet. No human faculty can reconcile such contradictions. To endeavour to trim or to balance between them would be as useless and ineffectual as it would be criminal and contemptible. I shall now, sir, request the benevolent attention of the house to a short digression, by no means unconnected with the subject of this debate, though relating immediately to myself and to my own situation. It is the only return I shall ask, for a faithful service of thirty years in this department; because it is all that I expect to receive on that account. I hope the house will hear me with indulgence; and the rather as it will probably be the last time, that I shall ever address you on any interest of mine connected with the subject of India. I state it then as a narrative merely, and not to revive any former argument or difference with any man, that I passed six years in Bengal in perpetual contest and misery, and finally with the imminent hazard of my life. For the truth of this assertion, I appeal to the testimony of the hon. chairman of the court of directors, who was on the spot and knows the facts. —Then a wretched passage of ten months to England; and, from that time, a con-

tinued labour and perseverance of two-and-twenty years in the same unprofitable course, unsupported and alone, without thanks or reward, and now without hope. By endeavouring, through that long portion of my life, to maintain, as I thought, right against wrong, I have incurred many enmities, and secured no friendship; I have sacrificed my happiness and my repose, and forfeited every prospect of personal advantage. Have you a doubt on this point? Look at the state of dereliction, in which I am left. I make no complaint of what is past: but I have a right to pause, and consider how I shall proceed hereafter. I have done so. I have considered my situation, and I have made up my mind upon it. It is for others to weigh the probable consequences and natural effect of the example, now in their view, upon the public service not only in India, but in every other department. What practical lesson does it inculcate, but simply this; Take care of yourselves? I do not know that the instruction was much wanted; but I am sure it will not be neglected. My deliberate intention is to withdraw myself generally from the discussion of political questions purely and properly Indian, and not involving any immediate British interest; and specially not to take an active part, much less a lead in the impeachment prosecution, or censure of any Indian delinquency whatsoever. This intention concerns nobody but myself. I make no contract with any man, and I hold myself completely at liberty to depart from it whenever I think proper. This, sir, is not a resolution wholly new in me, or suddenly taken on the present occasion. That principal part of it, which relates to the invidious though meritorious office of a prosecutor, as I still think it, was taken long ago. I will never be concerned in impeaching any body. The impeachment of Mr. Hastings has cured me of that folly. I was tried, and *he* was acquitted. In all the late proceedings concerning lord Melville, I have never uttered one word; though, considering the contest and contradiction in which I stood against Mr. Dundas in this house for twenty years together, it cannot be denied that I had spurs and provocations enough, if I were capable of yielding to such motives, to stimulate me to take part in the impeachment of lord Melville. Nor will I now concern myself in any proceeding to prosecute or censure lord Wellesley. On the subject of

say, without fee or reward, in that unthankful and most invidious office. Has any individual, or any party, has this house, or has the nation, a right to expect more of me? Neither am I able, if I were ever so well disposed, to continue this unavailing labour. My spirits are exhausted. My mind is subdued. And, if it were otherwise, my assistance now is not so necessary in this department as I have thought it hitherto. Several younger men with a spirit as high as their rank, and of great ability, are coming forward in this line. I congratulate the house and the country on this flattering appearance and promise on the part of the rising generation. They will do more than I could, and much more than supply the little place, which I have occupied. I hope they will not be discouraged by difficulties or by labour, nor even by the example that has been made of their humble predecessor. Above all things, I conjure this house once more, not to throw any discouragement in their way. I have stated my intention clearly; but, again I say, I am my own master, and I will give no account of my future conduct to any man. There is one view only, in which I shall at all times hold myself bound to attend to future proceedings in parliament on questions connected with the India company; nor is it possible for me to do otherwise, without abdicating the duties of my station in this house. As long as I have the honour of a seat in parliament, I shall watch and take care, to the utmost of my power, to prevent the finances of Britain from being ruined by those of India. I have now passed more than 30 years in endeavouring to support the lawful authority of the East-India company over their nominal servants abroad; to guard their rights, and to protect their property from ruin. I have laboured to preserve the peace of India, and to shelter the native princes of that unfortunate country from injustice, conquest, and oppression. In the execution of these labours I confess I have had no success, nor scarce a good word from any man: the only duty that is now left to me, the only chance I yet have of being useful either to this country or even to the India company, is to protect England not against the company, but against India and its government.

Sir T. Metcalfe read a passage from a letter of lord Lake to the governor-general, in which the treachery of the rajah of Bhurt-pore was placed in the strongest light.

That rajah had received one third more than his right of the country conquered from Scindia, and it was immediately after receiving that boon, that his treacherous connection with Holkar was discovered. To marquis Wellesley, he knew little of him but as a public man; he had no hesitation to say, however, that he considered him as the greatest statesman that had ever been in India. Such a man exercising such talents for the public good, was rather harshly treated, when he was received, on his return home, with accusation instead of acclamation. He wished the noble marquis's conduct to be sifted, however; as, the more it was sifted, the more the result would be to his honour.

Lord Folkestone rose and said: Mr Speaker; the hon. bart. (sir T. Metcalfe) below me, has in his speech renewed the charge just brought by the noble lord (Temple) below him, of treachery on the part of the Rajah of Bhurt-pore. I will not at present enter into that transaction; because it is likely to be more fully discussed to-morrow, and is therefore now premature and because perhaps I know less of the motion than I ought. But on the first blush of the business I must say, that the term treachery seems to be here most strangely applied. This rajah is a native prince of India, having natural connections with the country; we have none such, but are really invaders, seeking to establish a dominion and to acquire an empire. In these circumstances, if these or other native chiefs should take measures for preventing us, or for expelling us, it seems to me that it might be attributed to other dispositions than those of perfidy, and such conduct be called by another name than treachery. However, we shall hear more of this hereafter.—I should not, sir, have made this observation, if I had not been called up by something else which fell, in the course of his speech, from the hon. bart. He complains that my lord Wellesley's character is continually attacked by a side-wind; and of the ungenerous reception which he has met with on his return to this country. Now, it seems to me, I confess, very natural, and I am sure it is very competent, for members of this house, who have the good of the country at heart, to make the enquiries and to stir the questions, which the hon. bart. complains of. For when we consider what we have witnessed in the last 12 months, and what we now daily hear on the subject of India af-

airs; when we recollect, that lord Cornwallis was sent out to India for the express purpose of undoing all lord Wellesley had done, of overturning all his schemes, and putting an end to all his projects; when we observe too, the joy that has been expressed by all those most interested in India affairs, at the expectation that those schemes and projects are now put an end to, and never to be renewed;—when we observe that every person who has spoken in this debate, with the exception of the hon. bart. and the noble lord, have joined in that expression of joy; it does not appear to me very extraordinary, that some enquiries should be made into the nature and plan of that administration, the termination of which is so great and so general a matter of exultation. But, sir, this is not all; the derangement of the affairs, and the exhausted state of the finances, of the East-India company are now confessed and allowed: and when we know that the company is now reduced to the necessity of coming to us to give them aid and relief, and we hear that they are most unwilling to bring any charge against lord Wellesley, and abstain, not because they do not condemn his policy, but because they think well of his intentions, it is not surprising that others, less placable than these gentlemen, should now and then in the course of debate express sentiments of disapprobation at his conduct.—The noble bart. says this is attacking the noble lord by a side-wind. I do not agree with him. I do not think it is fair to complain of so natural a proceeding. Sir; after the length to which this debate has run, I shall not add any more. I have been called up by the observations of the hon. bart. and I was glad to have an opportunity of noticing the universal expression of dissatisfaction from all sides of the house at the conduct of lord Wellesley.

Mr. Charles Grant rose to explain. With respect to sir G. Barlow, he observed, that whatever part he had taken in the measures of marquis Wellesley, was not inconsistent with the system he was now to pursue. The two Mahratta wars had come on so rapidly, that it was impossible to have any opinion upon them from this country. He was at present in possession of the opinion of his superiors, and had honestly declared his determination to act in conformity with it. Whatever other gentlemen might think upon the subject, he was himself convinced, that there was nothing dishonourable in the part that gentleman took in the mea-

sures of the marquis Wellesley's administration. The hon. director, before he sat down, said, he could not help bearing his testimony to the rectitude of the principles and conduct of the hon. gent. (Mr. Francis), not only in Bengal, but in England.

Mr. Francis, in explanation, said:—Sir, I am obliged to the worthy direct for the testimony he has borne to the rectitude of my principles and conduct, not only in Bengal, but in England, that is, with respect to the government of India, and the true interests of the India company. In fact, however, he has done more than I asked, or expected of him. The appeal I made to him, related solely and expressly to my labours and sufferings in India, and not to my merits at home or abroad. Of the former he was an eye-witness: no man has a higher opinion of his moral character than I have. On the facts in question, there cannot be a more competent witness, nor any human evidence less to be suspected.

Mr. Wallace was of opinion that the policy, the measures, and the whole of the system acted upon by lord Wellesley, were wise and highly beneficial, and when the subject came under discussion, he should be ready to state the grounds upon which he thought the services of that noble lord entitled him to the gratitude of the house and of the country.

Mr. Johnstone rose to express his thanks to the right hon. gent. (Mr. Fox) for consenting to the production of the papers. He was glad to find that the court of directors were disposed to support the present system begun by lord Cornwallis, and that his right hon. friend retained his former sentiments on this subject. He remarked upon the difference which was known to prevail as to the system of government which ought to be acted upon in India, between the opinions formerly expressed by some of the present ministers, and the course now pursuing in that quarter. He was glad, however, now to have the doubts which naturally rose out of the difference alluded to, completely removed by a declared change of sentiment.

Mr. Secretary Fox observed upon the logic and the prudence evinced by the last speaker. His logic, he thought, by no means just, and his prudence was certainly not laudable. For as to his logic, it did not follow that because gentlemen thought proper to adopt a certain line of policy,

under certain circumstances, they would be subject to the imputation of inconsistency in pursuing a different line where those circumstances had undergone a material change; and as to the hon. gent.'s prudence, it surely was not laudable to press the charge of inconsistency upon any men who might shew a disposition to abandon opinions which the hon. gent. himself pronounced erroneous, and to adopt those which he professed to consider correctly right.—The several papers moved for were ordered to be laid before the house.

HOUSE OF LORDS.

Tuesday, March 11.

[**WITNESSES' LIABILITY BILL.**] The house resolved itself into a committee on the bill for Declaring the Law with respect to Witnesses being liable to answer.

The *Lord Chancellor*, in order that there might be no doubt as to the security of witnesses against being compelled to answer any question, the answering of which might subject them to penalty or forfeiture, proposed to insert the words "any penalty or forfeiture of what nature soever," instead of the mere words "penalty or forfeiture."

Earl *Stanhope* rose, and expressed his disapprobation of the bill before the committee, as a declaratory act. He expressed his hope, that, by subsequent legislative provisions, should the present bill be passed, his noble friend would guard against the mischiefs which might arise from such a measure. On this ground, however, he could not avoid coming forward and objecting to the bill as it then stood, and endeavouring to induce their lordships to divest it of its declaratory character. He was hostile to the principle of bills of that description; which, he thought, should never be passed by the legislature, except in very extreme cases. The occasion which he alluded to was, for instance, a violation of a principle of the constitution, such a case as was referred to in the preamble of the bill of rights, &c.; and such was the case of the excellent bill declaratory of the law respecting libels, proposed by a right hon. member of the other house of parliament. On that occasion, his noble and learned friend near him, (the chancellor), deserved the thanks of the country; he did not mean for his conduct with respect to the bill alluded to, but for what he had so nobly done to assert and to uphold the constitutional powers of juries. Except on some great occasion of the kind, he never

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approved of a declaratory bill. It was an engine by which a great deal of mischief might be done; through it the law of the land might be overturned, by its declaring that to be law, which was not law. The noble earl, in adverting, as an hypothetical case, to the return of members of parliament, through the influence of wealthy or powerful individuals, recited the anecdote of a late noble lord, who obtained the place he wished for, from the then prime minister, by threatening him, in case of a refusal, with the defection of his own support in one house, and that of his friends in the other. His brief and pithy answers to the arguments and representations of the minister, were, "There are seven of us! There are seven of us! Remember, there are seven of us!" Continuing his observations against a declaratory bill, he stated, that an actual majority of the great lawyers of the country were of such an opinion as to explode the necessity of such a bill as the present. He adverted to some opinions given by the late lord Mansfield, and among these, the case which gave rise to that recorded observation of his lordship, to the then Mr. Dunning: "if that be law, I'll burn my books." He adverted to the established compellability of pawnbrokers to give evidence, and adduced some reasons why horse-dealers should be considered in the same light. He liked not the idea of the present bill passing, to the imminent risk of that which he proposed; but, with a view of so far obviating the inconvenience to be apprehended, it would be better to pass his bill in the first instance. He adverted to some further cases, which, he conceived, tended to shew the probable inconveniences of passing such a bill as the present. He was, he observed, very stout in his opinions upon those points; he had read more acts of parliament than perhaps most lawyers, having perused all those from Magna Charta down to about fifteen years back. His lordship, towards the conclusion of his address, adverted to some farther cases; by one of which, stating it hypothetically, from the contingency of technical incorrectness in his answer, an individual might be destituted of his means of support. He repeated his hope, that the inconveniences which might arise from such a construction in the law, would be guarded against by adequate legislative provisions.

The *Lord Chancellor* observed, it would be better, had his noble friend postponed

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the discussion of his own bill, until it came regularly before the house; as to that he conceived the greater part of his observations to have applied. He did not altogether approve, on such an occasion as the present, of his noble friend referring to the authorities of dead judges, as well as the living; as, in all cases of the kind, the law must be decided by the actual judges of the time. There were cases in forensic practice, in which a counsel might, allowably, fortify his opinions by a reference to those of former judges; but, on such an occasion, a poll of defunct, as well as living luminaries of the law, so as to outnumber those of the living, who might be of a contrary opinion, was a doctrine to which he could not submit. Such proceedings would tend eventually to interfere with the judicial functions of that house. A proposition, that the law was so taken from the very beginning of the British constitution, to the present moment, was what he had never heard of. The law was to be taken, from the mouths of those appointed to deliver it; but a poll in the way his noble friend appeared inclined to adopt, would be as objectionable as a poll of departed peers, with respect to decisions in that house. Adverting to the objections against the bill itself, he observed, that in such a case as it applied to, a declaratory act was more peculiarly necessary, that is, where doubts existed; as, if such did not exist, there would be no necessity of declaring what the law was.

Earl Stanhope shortly spoke in explanation. He then adverted to the language of the bill, with respect to the term "lords spiritual and temporal." These descriptions, his lordship seemed to think, ought to be reversed, not only in the present, but in future bills, inasmuch as lords temporal, meaning princes of the blood, members of that house, had precedence of the very foremost of the spiritual peers, namely, the archbishop of Canterbury.

Lord Auckland deprecated an alteration of the kind, without the fullest and most mature consideration; deeming it far preferable to abide by the uniform practice of parliament, and to follow the example of their ancestors in such cases.—The question was then put, on an amendment as proposed by earl Stanhope, tending to do away the effect of the declaratory part of the bill, but which was negatived by the committee. Their lordships then agreed to the amendments proposed by the lord

chancellor; after which the house resumed, and ordered the report to be received to-morrow.

Earl Stanhope moved, that the bill for the more effectual Discovery of Truth, be read a second time to-morrow, which was ordered accordingly.

HOUSE OF COMMONS.

Tuesday, March 11.

[MINUTES.] Mr. Irwin, inspector-general of imports and exports, presented an account of all the duties on customs, charged and outstanding, on the 31st of Jan. 1805 and 1806 respectively distinguishing the permanent and temporary duties.—The Irish Clergy Residence bill was read a second time.—Mr. Tierney presented a petition from the debtors confined in the Marshalsea.—Mr. Alexander brought up the report of the committee on the American treaty act, and obtained leave to bring in a bill to continue, for a time to be limited, the act of the 37th of his majesty, for carrying into effect the treaty of amity, navigation, and commerce with the united states of America.—Sir Charles Bunbury presented a petition from the maltsters of the county of Suffolk; as did Mr. Mordaunt one from those of the county of Warwick, and of the county of the city of Coventry, praying relief from the restrictions imposed by the 42d of his majesty.—Mr. Rose presented a petition from the trustees of the British Museum, praying the annual parliamentary grant. Mr. Rose then moved, that there be laid before the house an account of the expenditure of the British Museum for the last year. Ordered.—The secretary at war brought up the Mutiny bill, which was read a first time.—Mr. H. Parnell was, on the motion of lord H. Petty, added to the committee for investigating the joint accounts of Great Britain and Ireland.

[IRISH CATHOLICS.] Mr. Dillon rose for the purpose of putting a question to the right hon. gent. opposite (Mr. Fox), with a view to learn the future intentions of that right hon. gent. with respect to the claims of a large portion of his majesty's subjects in Ireland. In doing this, he was not actuated by any wish to embarrass his majesty's ministers, or by motives of idle curiosity. Rumours had gone abroad of a very extraordinary change of sentiments having taken place in certain quarters, on the subject of the claims of the catholics of Ireland. It was also rumoured, that the great body of the catholics had acquiesced in this change of opi-

as of the utmost importance
 ability of Ireland that this sub-
 be set at rest one way or the
 e trusted the right hon. gent.
 e him from his suspense on the

tary Fox spoke to the following
 the question of the hon. gent.
 ly vague that I cannot pretend
 for I confess that I do not dis-
 stand it. The hon. gent. has
 e rumours afloat as to an altera-
 on respecting the catholics, a-
 who formerly supported them;
 ot know to whom he alludes, I
 im a precise answer. But with
 e rumour that the catholic body
 eed in the reported alteration
 eir claims, I should rather ask
 t. himself upon that point. So
 ncerned in this question, when-
 s under discussion, I shall be
 dy to state my opinion, and all I
 ssary to say as to my future con-
 er to a consideration of my past.
 iver, hesitate to state, that if
 an were to ask my advice as to
 y of bringing forward the catho-
 present, I should recommend
 into consideration the prospect
 and the greater probability of
 this year or the next; at the
 o bear in mind the issue of last
 ssion. In the part which I took
 e occasion, I was actuated by the
 ense of duty—but at present I
 myself obliged to say any thing
 the subject.

AS OF INDIA.] Lord Ossulston
 ce his promised motion with re-
 Debt of the East-India com-
 ter some preliminary observa-
 orship stated, that in the year
 eared that the debt of the East-
 any bearing interest, was about
 which it was proposed to reduce
 ; that in order to do this, a
 given, by the act of 1793, to the
 esidencies in India to grant bills
 f the creditors of the company
 rt of directors to the amount of
 nually, and no more, for the
 transferring or, in other words,
 this debt; that is to say, it
 ined to be a matter of policy
 ence, that the debt should be
 order to carry this into effect
 ner the most beneficial to the
 ead of applying to this pur-

pose so much of the surplus revenue in the
 first instance, the whole of that surplus was
 allowed to be laid out in an investment,
 out of the profits arising from the sale of
 which, the court of directors were to set
 apart the sum of 500,000*l.* annually to
 answer such bills as should be drawn by
 the government in India to the amount and
 for the purpose specified in the act.—That
 since this year 1793, it appeared that bills
 had been drawn to the amount of not less
 than 8 millions. Whether they had been
 granted to the creditors of the company,
 and had therefore gone in liquidation of
 the debt, he could not say; if so, the only
 difference would be that, in that case, the
 amount of debt contracted would be by
 so much the larger than would otherwise
 appear to be the fact; but so it was, that
 so far from the debt having been actually
 reduced, it had swollen from 7 to nearly 30
 millions; and of this 30 millions he was
 further informed, (to ascertain which, was
 the object of his motion,) that a conside-
 rable part, he was afraid to say how much,
 had been contracted upon terms which en-
 titled the holder of the loan to go to the
 treasury at Calcutta, and receive, on demand,
 bills upon the court of directors payable
 12 months after date according to the mode
 in which bills are usually drawn from India.
 —That this was the case, his lordship said
 he had no manner of doubt. He had heard
 it from authority which he could not ques-
 tion, and it had been admitted by every
 one with whom he had conversed on the
 subject. He was moreover confirmed by
 a publication which he held in his hand,
 the Calcutta Monthly Journal for the month
 of May, 1805, in which, as well as in many
 others of different dates, he found a regular
 Government Notification of a loan in which
 this condition is distinctly stated. After
 saying that “the public are hereby inform-
 ed that the sub-treasurer at the presidency,
 &c. have been authorized to receive any
 sums of money,” &c. it goes on to say,
 “the principal of the promissory notes shall
 be payable either in Bengal under the rules
 established for the payment of the register
 debt now existing, or by bills to be drawn
 by the governor-general in council, on
 the hon. court of directors; which bills
 shall be granted at any time on the appli-
 cation of the proprietor of the notes, either
 when the principal shall have become pay-
 able in Bengal, or at any earlier period.”—
 Taking for granted, then, that this has been
 the mode of proceeding, the next question

[illegible]

Lord Temple, referring to the notice which had been postponed by Mr. Paull, took occasion to state, that the hon. member was now called upon in candour and fairness to lord Wellesley, to state the nature of the charge, which it was his intention to bring forward on Friday, pursuant to his notice.—Mr. Paull said he should decline giving the noble lord any answer on the subject. Lord Ossulston's motion was then, with the leave of the house, withdrawn.

[**AFFAIRS OF INDIA.**] Mr. Paull rose and spoke as follows:—Though irregular to allude to what passed on any former occasion in this house, still, sir, the occurrences of last night, will render it necessary for me to obtrude on the present occasion, at infinitely greater length than I had any intention of doing. The house must have observed, that I have had two distinct objects in introducing the affairs of India to its notice. One, sir, an earnest anxiety to bring the whole system of our Indian empire once more under the consideration of parliament, a system which threatens the national prosperity; and the other to prosecute to conviction, if possible, the person to whom I impute all the dangers that now threaten our existence abroad and in this country.—For the first, I could have incurred no obloquy, might have earned some applause from the display of my knowledge, and have made few enemies; but, in the second I was fully aware of the dangers. I had a beacon in the example afforded me in the managers of Mr. Hastings's impeachment calling out to me to beware! I knew I should have to contend, a new, unconnected individual, with obstacles of the most formidable nature. I knew, sir, I should not be able to sail with wind and tide, but that I should have to encounter every thing that power, rank, wealth, prejudice, and talent, could throw in my way. These, though no slight obstacles, I was prepared to meet; but I have met with others that I did not reckon on; and as I hold the character and motives of an accuser as his fairest claims to confidence or reprobation, I must, sir, on the present occasion claim the attention of the house on my own account a few moments, whilst I state my motives and conduct; this task once performed, I shall proceed in the way I have imposed upon myself, undismayed by numbers; and hereafter the shafts of malice and slander shall pass by me like the idle wind that I regard not.

—Conscious of the rectitude of my own motives, I believed no man could dare to question them; but I reckoned too favourably of human nature, and it was not without a mixture of honest indignation and surprise, that I found within the walls of this house, not only surmises as to the motives that stimulated me to stand forth as the accuser of lord Wellesley, not only have these motives been misrepresented but others assigned, as ungenerous and despicable as they are unjust and untrue. No sooner did I repel the insinuation that I was in any manner or form connected with the nabob of Oude or with any potentate on the peninsula of India, and appealed to the noble lord (Wellesley) himself for the truth of the fact, than it was asserted I must have been injured by that noble lord, who must have thwarted some scheme of my ambition or interposed between me and the attainment of some favourite object. Now, sir, for the last time, I repeat in this house, that to lord Wellesley I have not nor never had, any sentiment of animosity personally, except that proceeding from the detestation of his conduct and principles, and it so happens from an extraordinary circumstance, that my character and the independence of my principles are better known to lord Wellesley and his private secretary, than to any other men in existence; and if I felt a necessity of bringing any man to this bar to vouch for them, it would be that noble lord himself. On this subject I beg the noble lord under me (lord Temple) not to force me to be more explicit, for if that noble lord does not already know it, I could to him even (prejudiced as he is) 'unfold a tale,' and to the house that would insure me the support and approbation of every liberal mind in the kingdom, but with the declaration I have made, I shall rest satisfied for the present, disclaiming as I again do, any motives but those of a public nature for my conduct to lord Wellesley.—Last night an hon. gent. opposite to me (Mr. Johnstone) whom I am happy to see in his place, made a declaration that certainly excited my utmost astonishment. The annals of parliament and the voice of the country fully establish the fact, that that gentleman was the original accuser of my lord Wellesley, and although I certainly impute no improper motives to this seeming dereliction of sentiment on the part of the hon. gent. still I must certainly state this as one of the many unaccountable circum-

stances that have attended the investigation of the conduct of lord Wellesley.—The hon. gent. with whom I spent many of the happiest years of my life, certainly never stimulated me to accuse my lord Wellesley, but as to the opinion of his guilty conduct there never was a difference of sentiment between us. It is true, the hon. gent. and myself are not on those terms of intimacy and friendship we once felt for each other. We have differed however on no political sentiment, or on account of any thing connected with lord Wellesley; still I think it would have been but candid and fair in the hon. gent. to have stated to me explicitly that he meant to lay on his oars and to take the safe course he has adopted. The papers however he moved for last night, bring before the public “cause and effect,” and having established by his reprobation of eight treaties, the pernicious system of lord Wellesley, he has done more service to the cause of justice and to me than any support he could have bestowed in bringing to conviction this ambitious and misguided nobleman.—But a declaration made by a right hon. gent. (Mr. secretary Fox) is of an importance that cannot escape without some most serious observation. My respect, my esteem, my veneration for that revered, enlightened, and highly respected character, make me the more deeply deplore his declaration of last night—he has stated all idea of retrospect to be out of the question. Where then, are we to look for a change of system, where is our fast hold on sir George Barlow, or any other Indian governor, if a solemn enquiry is not instituted? I presume to say that the declaration of that truly great character has damped the spirit of every friend of freedom, and every friend of justice. What, said the hon. gent. was the pale, emaciated, worn-out frame of Mr. Hastings dragged to the bar for vengeance by political opponents or for example! Now the right hon. gent. has said—(here Mr. Paull was reminded by the speaker that he was not quite in order in noticing to the house what passed on a former debate) the hon. gent. bowed and proceeded to the statement of the charge he had given notice of.—I shall proceed, said he, to lay the grounds for the charge I mean to bring against lord Wellesley, and if I abstain from any terms on this stage of the business that can be considered as objectionable by any man, it will not be out of compliment to the delicate

ears and fine feelings of a right (Mr. H. Addington) who on occasion volunteered a good deal not, sir, out of any dread of the opinion of the noble lord (Temple) who is so ready on every throw the broad shield of his and that of his family over the non-general of India.—To the of Mulrah and Agra on the of Hindostan is a native prince Rajah of Bhurtpore, and though of that name has not yet for into the map, both his own name of his citadel will be remembered in the annals of the British in the annals of the English army battle of Placey, of Delhi, as shall fail to excite interest in history.—His first character with the English nation in the words of lord Wellesley I read to the house last night fatal renown from the record; but unsuccessful opponent. Previous to the commencement of hostilities against Dowlat Rai Scindia Rajah of Berar, as appears from lord Wellesley to lord Lake hatta papers, the friendship of this chieftain were appreciated of highest importance, and lord Lake instructed to gain them at any the Carnatic, Oude, Furruskar Bundelchund, Hyderabad, Rohillehund, all exemplified, is the span between a treaty and of a province; and the prince before the commencement of refused on any terms or on any have any connection with the company.—On the 4th of September Lord Lake carried the Fort of Allahabad, and the faithless, unprincipled surrender of Perron the French Scindia, in the Douab and the Delhi, brought the victorious his gallant army into the countenance. Promises and threats were naturally held out, and in an event hitherto happy, highly respectable prince signed the treaty read to the house. A fortunate series of events subdued for a time the Scindia, and the other confederates who purchased a peace, by the order of their most valuable province a very short time however, held in the field with an army of

80,000 men, and in his approach to invade the British dominions, he reached Bhurt-pore, to which it is now said he was invited by the once respectable, and highly esteemed, but now the treacherous and contemptible character the Rajah of that country. I trust the gentlemen of this house have not one set of principles and morality for England, and one for India, which however, I very much suspect they have; therefore admitting, which however is not yet proved, that the moment this prince became connected with England, he, belying his former character, tarnished all the acts of his past life, that he became the most profligate, perjured, abandoned, treacherous wretch that he is represented to have become, will even that conduct excuse in India, a war of vengeance and an ignominious peace! I answer, sir, no; but, be the Rajah's character what it may, be his former character true or false, be his treachery real or fictitious, that Holkar obtained supplies and assistance in the Bhurt-pore country I readily admit, and the noble lord (Temple) may make the most of the admission.—In a short space, however, Holkar was defeated and his forces dispersed, and it was then that lord Wellesley determined on an act of singular and most sanguinary vengeance, and without example in ancient or modern times, unless in the recent instance of Buonaparte to the ill-fated king of Naples; who, too, is accused by the French emperor of treachery and foul play! Now, sir, the conduct of Naples is exactly in point. The king made a treaty, broke it, and invited the English and Russians to come into his dominions, and to aid him against France; so did the prince of Bhurt-pore to Holkar, it is alleged: but will any Englishman say that the conduct of either merited extermination and ruin? It is said too, that the Rajah's troops turned upon our own forces and joined the enemy. Let the noble lord (Temple) avail himself of this farther admission, and it will only prove, that lord Wellesley's system has revolutionized the nature of the mild Hindoo and excited a thirst for blood, unknown before. I admit the fact, I believe it, and that Hindoo and Mussulman, that all ranks of the natives, all casts, all conditions, are ripe for revolt and vengeance, against their oppressors. Lord Cornwallis confesses the fact, though in milder terms, and to recover what however is lost for ever, he was willing to surrender all but our honour. Instead of endeavouring to reclaim

this guilty and infatuated prince, as he is represented, whose alliance lord Wellesley had courted, and whose character and example on other powers a few fleeting months before he rated and stated so highly, instead of manifesting to the minds of irritated India, that mercy, forbearance, magnanimity and justice, were the characteristics of a Christian governor, lord Wellesley determined on extermination and vengeance, and lord Lake was ordered to advance for the easy annihilation, as it was supposed, of his seemingly unequal opponent! No terms short of unconditional surrender being proposed, this prince determined to repel the assailants or to bury himself and his family and friends in one common ruin.—The account of the different assaults made by lord Lake and the different overtures made by the Rajah it is unnecessary to state, but the particulars of the sanguinary assault on the 22d of February after the British army had been 61 days before Bhurt-pore, I shall read to the house. (here the hon. gent. read lord Lake's accounts of the 4 assaults).—On the 108th day after the commencement of the siege on the 9th of April 1805, six weeks after the last assault, lord Lake after a loss of 4000 of our best troops, and 116 of our best and most gallant officers, concluded a shameful and disgraceful peace, with, as he is represented, this abandoned, faithless and profligate prince, under the walls of that fort, where had withered the laurels of our brave troops, and when the reputation of our gallant army was completely and unnecessarily sacrificed. For having thus tarnished the British name and character, for the waste of blood and reputation occasioned by this sanguinary war of vengeance, I accuse lord Wellesley, and to lay the grounds for a charge of high crimes and misdemeanours, I shall conclude, sir, with moving, "1. That there be laid before this house, a Copy of a Treaty concluded by general Lake (now lord Lake) commander in chief of the forces, and afterwards ratified by marquis Wellesley, late governor general of India, and a prince of Hindostan, called the Rajah of Bhurt-pore, dated the 29th Sept. 1803. 2. Copies of all applications from the Bengal govt., or those acting under its authority, demanding explanation and satisfaction previous to the commencement of hostilities, and the answers to such applications. 3. A Copy of the declaration of war against that prince. 4. A Copy of all letters from lord Lake,

1. Copy of the declaration of war against the Rajah of Bhurtpore, by the British govt. 2. Copy of the declaration of war against the Rajah of Bhurtpore, by the British govt. 3. Copy of the declaration of war against the Rajah of Bhurtpore, by the British govt. 4. Copy of the declaration of war against the Rajah of Bhurtpore, by the British govt. 5. Copy of the declaration of war against the Rajah of Bhurtpore, by the British govt. 6. Copy of the declaration of war against the Rajah of Bhurtpore, by the British govt. 7. Copies of the returns of the killed, wounded, and missing, in the several assaults made to storm the fortress of Bhurtpore, together with the casualties of the army during the siege; and the communications made publicly and privately by lord Lake on these occasions to the Bengal govt. 8. Copy of the treaty of peace between the Bengal govt. and the prince of Bhurtpore, with the communications made on that event to the court of directors, or select committee, on that occasion."

Lord Temple observed, that the narrow ground on which the hon. gent. had proceeded, had made it an easy thing to answer him; but when he had brought forward charges as they were called, against so considerable, and so meritorious a character, as that of the marquis Wellesley, he should have stated the grounds on which they were to be founded; and he should also have taken the trouble of perusing those papers, which he said, would substantiate them, before he made those charges; if he had, the noble lord said he would venture to assert, it would have convinced the hon. member of the impropriety of his conduct. That he had not taken this course, was to be lamented, on account of what was due to the house, as well as to the noble marquis; for he would venture to assert, without the least fear of contradiction, that when all the papers which had been called for should appear upon the table, and came to tell their own story, there would be found not the least pretence for charging the noble marquis with any misconduct; on the contrary he would deserve praise. He hoped, therefore, that all the papers would be granted, and there was no formal objection to the production, and he was not aware of

them it would appear, that the marquis Wellesley was so far from waging the Rajah of Bhurtpore a war of exultation or having a thirst of blood, that he had acted with a forbearance and moderation to which that prince was entitled. It was said that the treaty of peace, a copy of which was now presented to the Rajah at the bayonet. This assertion might be completely refuted when the papers appeared upon the table; for it would prove that at the breaking out of the war with Holkar, in 1803, the Rajah desired to unite with the British, and a treaty was entered upon early in the year 1803, and confirmed in the following September. The hon. member had alluded to the articles of that treaty: he would there was a fourth, which was that contracting parties should afford the aid of troops in the event of a violation of their territories. This was agreed upon between lord Wellesley and the Rajah of Bhurtpore, and he would furnish a considerable force to act in conjunction with the British, which the British government themselves justified in making a cession of territory to the Rajah, giving him an equal to one third of all his own territory. This looked like a treaty for the benefit of the Rajah at the point of the bayonet, and might judge when the papers appeared. When the war with Holkar broke out in the month of March, a copy of the treaty was detected between the Rajah and Holkar, which had been the overthrow of the British, and driving the British entirely from the country, which plan the Rajah was to execute of considerable concern. A copy of the correspondence was sent to lord Wellesley, and yet this noble lord, who was a person seeking blood and war, and of extermination, would be found to observe a moderation and forbearance most remarkable, for by some correspondence now called for, it might appear, that the noble marquis had detected this detection of the treachery did not allow him to be punishing the Rajah, but ordered that those who were guilty of his act of perfidy, whenever they were detected in an extension of territory to the Rajah, that he might

misguided and deceived by wicked councils, and therefore ordered that no punishment should fall on him; consequently he directed lord Lake to endeavour to discover who the advisers of the Rajah were, but not to punish him in any respect; to warn him, however, of what he was about; to tell him it was not the wish of the East-India company to interfere with his territory or his concerns; but to call on him to dismiss the agents who had so misguided him. This was another of the proofs of the war of extermination, which the hon. gent. imputed to marquis Wellesley. My lord Lake acted on his instructions and left directions with gen. Frazer to abide by the same line of conduct, not to attack the Rajah of Bhurtpore, or bring on a war with him, but if attacked, to resist; but the Rajah cut the matter short, for, not content with his correspondence with the enemy, he himself began the war, and commenced an attack upon us. The first direct act of hostility was committed on the part of the Rajah, whose fortress of Deeg afforded a protection to the remains of Holkar's army, and fired upon the British troops, which enabled Holkar to carry off a great part of his army, and place his artillery in that fortress. After the fort of Deeg was taken, and, notwithstanding the several unsuccessful attacks on Bhurtpore, the Rajah at last came to his senses, and was glad to conclude a peace, by which he agreed to pay to the company 20 lacks of rupees in 4 years, and the company guaranteed him his territories. He was also bound to keep no Frenchmen or Europeans in his army. On these conditions, the conquered countries, and even the fort of Deeg itself, had been since restored to him. In all these transactions, he could perceive nothing of that implacable vengeance which was imputed by the hon. member to the noble marquis. His lordship said, it was not then the time for him to go further into this subject; he wished to wait till the papers in question should be laid upon the table, as they would not only support the statement he had made, but display the conduct of the noble marquis to have been moderate and forbearing in the highest degree.

Mr. *Paull* said, he had quoted the treaty such as he found it in the Mahratta papers, and sent home by lord Wellesley, and could not be accused of a want of fairness in not reading what really had never been given to the house.

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Mr. *Johnstone* said, he was sorry that it had been thought worth while to advert to any thing that had passed between himself and the hon. mover; and he would have said nothing about the matter, had it not been that his silence might lead the house to imagine that he really had encouraged the hon. gent. in his proceedings in this business. In fact, he had dissuaded him from becoming a candidate for that, of which he (Mr. J.) was set down as the representative, and afterwards from following up these charges. He did not say, however, that these were fundamentally wrong, but he thought this proceeding, under all the circumstances, inexpedient, both as far as regarded the hon. gent. and himself. His own reasons for not coming forward with any such charges were, first, the impossibility which he foresaw of procuring redress for the wrongs of a prince of India (the nabob of Oude), to whom he was much attached, which attachment, perhaps, rendered him incapable of conducting the affair with impartiality; 2dly, the suspicions that might arise, that he could not judge fairly and candidly in the case of lord Wellesley; and 3dly, the treachery of which the Rajah of Bhurtpore had been guilty, almost to an unparalleled extent. He did not deny this, but he asked, where was the wisdom or policy of making a treaty with this very person on whom no dependence whatever could be placed? How came the ceded fortresses and the money to be returned? It was because lord Cornwallis saw the futility of such treaties, and was resolved to abandon them, if possible. He gave up their lands, he gave up their money, he would give up any thing to such persons, provided they would agree not to burthen us with their friendship.

Mr. *Hiley Addington* said, that as the hon. mover, in anticipating the contents of the papers for which he moved, had made his assertions pretty sturdily, he was not sorry to hear from his noble friend (lord Temple) assertions of a contrary nature as sturdily and at least as roundly delivered. He must allow that the hon. mover had had the candour to distribute among the members of the board of controul, a number of papers respecting which he moved; but from the great mass of them, they had not had time to profit by this candour. He should, however, individually, as an humble member of the board of controul, say, that he saw no objections to granting the

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papers; his private feelings would rather induce him to second the motion than to oppose it, for he felt convinced, that when the papers were produced, they would exhibit a great many amiable qualities in the character of lord Wellesley, which many gentlemen were then unwilling to give him credit for. They would shew, that to this very rajah he had exercised an extraordinary forbearance, and an unexampled moderation. Without meaning to oppose the motion, he should just observe, that he doubted whether a sufficient parliamentary ground had been assigned for it. It did not appear to him proper, that any member should move for a vast mass of papers merely to fish out some cause of complaint which they did not know of before. As for the declaration of hostilities against the rajah, no such paper did exist: there never was a declaration of hostilities, but the war began by the cannon of the Fort of Deeg firing upon the British army, and protecting the retreat of Holkar. It was at a time when the rajah was writing the most friendly letters to lord Wellesley, and saying in the oriental cant, "make me happy by your letters," that he was conspiring with the enemies of the company, to expel the British from India. Nothing would be more demonstrable and unequivocal than the perfidy of this rajah, whom the hon. mover now extolled so highly. As soon as we had met a disaster under col. Monson, this faithless prince chose that moment not only to violate his treaties, but to conspire the utter destruction of that power for which he professed so much friendship, and to which he owed so much obligation. The manner in which the governor-general gained information of his treachery, was most unquestionable. A confidential agent of his at Maturah first informed the British resident of it, and about a week afterwards a vakeel was taken, with the correspondence, which went to the whole extent that had been stated. Notwithstanding this certain information of the treachery of this prince, lord Wellesley was still inclined to impute it to intriguers and evil advisers, and did not give directions to go to war with him for above eight months afterwards, and not until actual hostilities had been committed on the part of that prince against our troops, who were pursuing Holkar in the neighbourhood of the Fort of Deeg. He concluded, by declaring that, in his opinion, no blame could attach to lord Wellesley for the fai-

lure of the treaty which he had to which, doubtless, he wished

Mr. *Pgull* decidedly affirm had once experienced an act of lord Wellesley, but never an a that in India, his situation had that the smiles of lord Wel. not benefit him, that his frow of no detriment.

Mr. *Wellesley Pole* said, he to take any share in the disc subject; he had only to say, th marquis, and all those who we with him, had but one wish, t that the whole of his conduc examined as closely as possi whole system of the governn under his direction canvassed w which reasons he trusted there objection to granting these pape which he intended to move fi their production would not be i to the board. Anxious as he ever, for the production of t for the purpose of preparing sion which he wished to prom so much regard for the regu proceedings of parliament, th not persist in asking for them, to grant them. He was confic more the conduct of the noble examined, the more it would t but should the house, upon ei another opinion, of which he most distant idea, neither he n person would attempt to scre what he asked for the noble this; that the nature of the exhibited against him shoul The hon. member had this d tice of laying ground before t Friday, of some fresh charge marquis Wellesley. The nobl him had asked what that cha which the hon. gent. had give He begged leave to request t member would now declare whi was he meant to make on Frid did not state that, how coul who took the most immediat the discussion, know what the to meet? He could not conce difficulty could occur in givin mation. What was to be the those who were most directl the character of the noble mar were to come down to the hou day, to hear an attack, withoi pared to meet it? He truste

would feel that he was not asking any thing unreasonable. It would have been impossible for the house to have been prepared for the exhibition the hon. gent. had been pleased to make that night, if they had not had some previous intimation of what it was he intended to bring forward. It was, therefore, equally impossible that they should be prepared for Friday, unless the hon. gent. would let them know what charge it was that he was to bring forward on that day. As for the case of his noble relation, he committed it with confidence to the house, and to the country.

Mr. *Paul* said, the house would do him the justice to acknowledge that on every occasion he was ready to answer any question, that was civilly put to him; that he refused to answer the noble lord (Temple), as he should always do, when his manner and mode of putting a question was rude and improper. To the relation of the noble lord (Wellesley) he was ready to say, that the next charge he should bring forward, was for the assumption of the rights and revenues of the nabob of Surat. The question was then put, and the several papers were granted.

HOUSE OF LORDS.

Wednesday, March 12.

[MINUTES.] Lord Walsingham presented the report of the committee appointed to search for precedents of the proceedings of the house in cases of Impeachment; which was ordered to be printed. A short conversation ensued between lords Auckland and Eldon, respecting the additional article of Impeachment against lord Melville, as to the manner in which that noble lord should be called upon to answer; which ended in an order to summon their lordships for to-morrow, in order to take the same into consideration.

[WITNESSES' LIABILITY BILL.] Lord Walsingham reported the Declaratory bill, the amendments made in which were agreed to.

Lord *Eldon*, in order to save the exceptions which existed to the general rule laid down in the bill, proposed a proviso, the first part of which enacts, that the court shall not repel an objection made by a witness to answer, where such objection is made specially and on specific grounds stated, but shall decide on such objection according to the law as it appears to them. It is lastly enacted, that a witness shall not be compellable to answer any question

which he could not be compelled to answer as a defendant, in a court of equity, on a bill being filed against him.

Earl *Stanhope* objected to this proviso, which, he said, instead of declaring the law, left it to the judges of each court to decide what was law, thereby, instead of removing doubts, rendering those doubts more doubtful. He also considered the clause to be unconstitutional, in as much as it sent the judges of the courts of common law to the courts of equity to learn by what law they were to decide, a system which met his marked condemnation.

The Lord Chancellor defended the clause to which he could not see the slightest objection. It was perfectly clear, from the opinions of the judges, that there were exceptions to the general rule, which it was necessary to provide against. With respect to courts of equity, the law of evidence was the same in those courts as in the courts of law, and therefore the objection upon this head fell to the ground, as the clause merely directed in fact that the laws of evidence should be resorted to. Although somewhat irregular in referring to a bill of the noble earl's (Stanhope) now on the table, on this subject, he was happy to concur with him in one part, where, notwithstanding his objection yesterday, he had inserted the words "the lords spiritual and temporal." The lords spiritual were the ministers of God and of religion, and it being thought fit that they should take a part in our temporal concerns, it was also fit that they should have the precedence.

Earl *Stanhope* said he had inserted the words "the lords temporal and spiritual," but that the printer had altered them.

Lord *Holland* notwithstanding what had been said by his noble and learned friend on the woolsack, could not agree in the propriety of referring the judges of the courts of common law to courts of equity, to learn the law of evidence. He had too much veneration for the common law of the country to sanction such a proceeding.

Lord *Eldon* contended that the seven judges who had answered the questions in the affirmative having all done so with a variety of exceptions, it would be, in fact, acting contrary to that opinion if a law were passed enacting a general rule on the subject without any exception, and he had no hesitation in saying, that without some such clause as that he had proposed, the Declaratory Bill would be the greatest nuisance that ever existed; no man's pro-

perty would then be safe, as he might be compelled to answer questions which might divest him of all title to his estates. As to courts of equity, their lordships would recollect that the judges who had answered the questions in the affirmative, had all drawn from thence the grounds of those opinions.—The clause was received and added to the bill.

Earl Stanhope, still considering his bill for the more effectual Discovery of Truth from Witnesses to be necessary, moved its second reading, observing, however, that he should move in the committee to alter the preamble, and make it a bill for the better protection of witnesses. The object of the bill, he stated, was to prevent the evidence given by witnesses from being afterwards made use of against themselves.—The bill was read a second time, and committed for Friday.

HOUSE OF COMMONS.

Wednesday, March 12.

[MINUTES.] New writs were ordered for the borough of Lyme Regis, in the room of the hon. T. Fane, who had accepted the Chiltern hundreds; and also for the borough of Queenborough, in the room of G. P. Moore, esq. who had accepted the office of steward of the manor of East Hendred.—Mr. Holford brought up the report of the committee to whom the petition of the Philanthropic Society, for the education of the children of felons, was referred. In pursuance of the report, he moved for, and obtained leave to bring in, a bill for the better government and regulation of that society.—Mr. W. Dundas moved for, and obtained leave to bring in, a bill, for the further continuance of an act which was on the point of expiring, for the securing a more expeditious payment of creditors in Scotland.—The Irish Clergy Residence bill passed through the committee.—The bill for Allowing the Importation of Wool from the British colonies in America, was read a second time.—On the motion of general Tarleton, the ordinance estimates, presented by Mr. Calcraft, were ordered to be printed for the use of the members.—Mr. Paull moved for, a Copy of a Protest, dated in 1803, from the then chairman of the court of directors, against the measures pursued in Oude, and which led to the treaty of 1801, and which treaty was approved of by the secret committee, as appears from their minute of the 19th of Nov. now before the house. Ordered.

[WOOLLEN MANUFACTURE BILL.] On the motion of lord house went into a committee.

Mr. P. Moore said, he would suspend the operation of laws respecting the woollen manufactures against those violations which hitherto made, but he must continue this suspension still considered that the violations were comparatively few, and passers and intruders bore but a small proportion to the number of those who carried on the trade. In opposing them he took the side that he always took, that of the many against the few. Those who proposed the bill, and the country members who were for it, he considered were rather the part of the few against the many, and therefore should propose a clause that this bill should only operate as a check on prosecutions from those violations of existing laws which had a place, but should not prevent for violations which might hereafter.

Mr. H. Lascelles said, that he was surprised why so many gentlemen supposed that it had become even the course of the trade, that the many of those very old acts would be at present inapplicable and injurious to the woollen trade. He did not wish absolutely to alter the policy of those old acts, but he thought at present very doubtful, but he would be the best way for them to go into a committee, when they could obtain the fullest information on the subject.

Mr. Wilberforce thought that the gentleman (Mr. Moore) had rather general principles, or those which were consistent with them a show of popular opinion, spoken of the interests of the many as opposed to those of the few. He was convinced that the interest of the many and of the few, were the same, and of trade, were the same. The manufacturers were ruined, and the trade went well. The hon. gentleman appeared to him to be mistaken in his distinction about the many and the fact was, that there were many who carried on manufactures in small houses and in a domestic way, and who were considered as better both for the morals of those engaged

way of carrying on manufactures where journeymen are employed by a few masters in large manufactories. He decided that he had no other wish upon the subject, than that a business of such importance should be fully considered, and the best resolution might be taken in the most mature deliberation could be had.

He therefore wished that the bill should be committed early in the session, was sure that the persons engaged in trade would have full confidence in the care and attention of their representatives for their true interests.

Mr. Brooke hoped that no impediment would be thrown in the way of the final settlement of this business, which had been pending two years before the house. His object was to promote the interests of all classes. He hoped the hon. gent. would insist on his clause.

Lord Temple said, that he knew the wish of his majesty's ministers upon this subject was to relieve the manufacturers from any improper restraint. Whether the restraints imposed upon them by those old acts of parliament might be taken away or not, was a matter that could not be decided without the most serious consideration, and he had the best information that could be had. He was, because he was not prepared to decide, that he could not agree to the clause proposed. Such a clause would be absolutely deciding the question.

Mr. P. Moore explained, that when he spoke of the many and the few, he considered very much that numerous class of manufacturers, whose petition he presented, and who had been waiting for years; he meant the petition of the employed against the employers. The first class were anxious for the decision of the house; the latter class, as he thought, was not so desirous of it. He hoped that the discussion, and the adoption of the clause he had proposed, would bring them to agree to reasonable terms with those in their employment.

Mr. Wilberforce said, that, by this explanation, the suspicion he had entertained was realized; that it was for another description of men than those who were the objects of this bill, that the hon. gent. felt so warmly.—The clause was then rejected, and Lord Temple gave notice, that he should on Friday next move for a committee to consider the state of the woollen manufac-

Tierney brought up a bill to explain and render more effectual an act, passed in the 7th of William III. for preventing charge and expence in Elections of Members to serve in Parliament. The bill was read a first time, and ordered to be printed. The right hon. gent. then said, that he should move for its being read a second time on Friday se'nnight, unless gentlemen wished for longer time to consider it.

Mr. Hurst wished that a longer day should be named. As for himself, he approved entirely of the principles of the bill, and of almost all the observations made by the hon. member in proposing it; but as it was a bill that went to make a material change in the old established laws, and as several gentlemen might entertain doubts, which a fuller consideration might remove, he thought it would be better to allow a longer time to consider it.

Mr. Rose did not consider that the bill made any alteration in old established laws; he thought it would be only a declaration of what was actually the existing law.—The question was then put, and the bill was ordered to be read a second time on Friday se'nnight.

HOUSE OF LORDS.

Thursday, March 13.

[IMPEACHMENT OF LORD MELVILLE.]

Lord Auckland called the attention of their lordships to the further article of Impeachment against lord Melville, with respect to which, he said, the first impression of his mind was, that it ought to be received. He was glad that the house had afterwards referred it to the committee appointed to search for precedents of their lordships' proceedings in cases of Impeachment, as much information was in consequence derived from the committee on the subject. He would not now trouble the house with reading the report of the committee, but should merely refer to three cases which were analogous to the present. The 1st was the case of lord Stafford; the 2d that of the lord mayor of London, in 1643, who, after putting in an answer to articles of Impeachment, also pleaded to further articles, which were subsequently sent up from the commons; the 3d case was that of lord Danby, in which it was expressly stated, that time should be allowed him to plead to the articles of impeachment preferred against him, or to any further article which might be presented. It was, therefore clear that the principle of calling

[ELECTION TREATING BILL.] Mr.

upon persons impeached to answer to any further articles of impeachment which might be sent up from the commons, was recognized by precedent. As to what would have been the effect if lord Melville had entered a special plea to the articles first presented, whether he could then be called upon to answer a further article, he would not discuss the question, it not being before the house, the plea of that noble lord having been a general one of "not guilty." In the motion, however, which he intended to make, he wished to give lord Melville the opportunity of either demurring to the further article, of withdrawing his general plea and pleading specially, or of pleading generally to the further article. He concluded by moving, "that a copy of the further article of impeachment be communicated to lord Melville, and that he do put in his answer to the same on to-morrow fortnight."—Ordered. The further article was also ordered to be printed.

HOUSE OF COMMONS.

Thursday, March 13.

[*Minutes.*] Mr. Stanniford presented a petition from the maltsters of Kingston-upon-Hull, praying to be relieved from certain embarrassments under the existing malt laws.—Mr. W. Dundas presented the Scotch Creditors' bill, which was read a first time.—Mr. W. Keene moved that there be laid before the house a copy of the commission under which the commissioners for liquidating the debts of the nabob of Arcot acted. Mr. H. Addington had no objection to the production of the paper in question, but suggested the propriety of postponing the motion till Monday, when the committee moved for by his noble friend (lord Morpeth), would have this business fully before them, and when the commission would of course be produced. Mr. Keene maintained that it was necessary that the house should be in possession of the commission before going into the committee. The motion, however, was negatived.—Lord Colclough's Amendment bill was read a 3d time and passed.—The Malt and Malting Pay bill, Malting Subsidies bill, Malting Appliances bill, and Irish Malting Pay bill went through committee, and were ordered to be reported to-morrow.—Mr. Villiers brought in a bill for extending the act of the 44th of the king, relating to the duty of stamping the revenue of such part of the duties of French as should be referred themselves to

be employed in Great Britain read a first time.

[*IRISH CLERGY RESIDENCE* *Duigenan* moved the order of bringing into a committee on the Irish residence bill; which being read

Mr. *Grattan* rose to express that the hon. and learned not now persist in pushing forward through the house with so much in the absence of gentlemen from the discussion of a subject of importance to the clergy of Ireland as those gentlemen had not been in London; others were arrived. Several of them had intended to request the learned doctor to postpone the committal of the bill till the 8th of May, and to let the doctor would have no objection.

Dr. *Duigenan* hoped the bill would be so good as to give him some time he wished the further progress of the bill to be postponed to so that it had brought the bill forward of the board of First Fruits, a board composed of the lord chief justice and three chief judges of the other courts of Ireland. By the union of the church of Great Britain and Ireland should thenceforth be one and the same. The present bill was in strict conformity to that which had not contain a single title enacted by the bill which passed in the 44th of the king, for the residence of the Clergy in Ireland, which bill had undergone discussion in both houses, and therefore he should be glad what objections could be raised before the house.

Mr. *Grattan* answered, that the objection was, that a bill of this kind, which not only the church of Ireland might be eventually pass in the absence of the hon. and learned lord chief justice, might be a material improvement in the establishment of the church, who could not possibly be present in that house until after it was passed. He said that it was his opinion that he had no further reasons to state, and that he would leave it to the hon. and learned lord chief justice to state what he thought of the bill.

of the learned doctor, and not to any wish of his. His first additional objection then was, that the bill had not yet been debated, and this he conceived a strong objection. Secondly, the statement of the learned doctor, that this bill was exactly word for word the same with the act which had passed some sessions ago, for enforcing the residence of the English clergy; whereas the circumstances of both countries differed so materially from each other, that the measure which might be extremely right in the one, would be very wrong in the other. To use a very homely simile, it would be like the case of a taylor, who having made a garment exactly fitting one man, should propose it to be worn by another whom it fitted in no respect; and really the proposition of the learned doctor to impose regulations on the Clergy of Ireland, which were locally and circumstantially adapted only to the Clergy of this country, was rather the argument of a bad taylor, than that of a profound statesman. In many parishes of Ireland there were no parishioners to whom a clergyman could minister; and therefore, it must be totally unnecessary to enforce the residence of an incumbent, so long as a parish continued to be so circumstanced; nor could the analogy between the cases of both countries justify the necessity of similar regulations, upon this ground. The learned doctor had mentioned the Irish Board of First Fruits, as his authority for bringing forward this bill: a board, certainly composed of persons to whom he (Mr. G.) wished to pay every degree of deference and respect: but not one of those persons had a right to sit or vote in the house of commons, consequently their authority in that place ought to have no deliberate influence. The learned doctor, by possibility, might be extremely right in bringing forward this bill: he would not at this moment enter into that part of the discussion: he wanted only to give the learned doctor time and opportunity to prove, by fair argument, to the satisfaction of those who would feel most interested in the bill, that it was just and necessary. There was one clause, at least he understood it so, that made the residence of the clergymen to depend upon the mandate of the bishop. As he could not exactly approve the principle of enforcing residence for just such time as the discretion of the bishop should deem it fit to appoint. Besides, the exercise of this discretion might be

rendered in some cases extremely oppressive: in the case, for instance, of an old clergyman, who might be induced to give his vote for a member of parliament at an election, contrary to the mandate of his diocesan. If there were such persons as political bishops in Ireland, he would not assume to say there were, the consequence of such an act of disobedience might be to force the old clergyman to a residence in a parish, where he had no glebe, and perhaps could not find a single house in which he could live, and be remote from his friends, and out of the reach of every comfort or accommodation. At present, he did not wish to urge any thing further; but hoped he had said enough to convince the house, that the law which was very well calculated to operate in England, might be, in many instances, quite the reverse in Ireland; and that a measure calculated to operate in Ireland, was entitled to some consideration and discussion from gentlemen who must have the most knowledge and experience in the local circumstances of that country, if the bill for a similar purpose in this country had occupied, for a succession of days, the most minute attention in both houses of parliament.

Dr. Duigenan said, that if the bill was not debated on the 2d reading, the fault was not his; as it was now three weeks since it was introduced, by the leave of the house, and had passed through its previous stages without the slightest opposition from the hon. gent. If there was not a full attendance of Irish members in that house, it could not be owing to their absence from London; for, if he was well informed, out of the 100 who had seats, 70 were actually in town; and he very much despaired of a greater number of members arriving in London after the assizes, but rather supposed their numbers would diminish instead of increasing. The hon. gent. had been pleased to compare him to a bad taylor; but he would appeal to the house on the propriety of the comparison, as well as the elegance of the figure; that he could see no reason why the clergy of Ireland should wear their coats differently trimmed from those of England, or be exempt from similar laws, or similar restrictions, to enforce that residence to which they were sworn, and to which they were indispensibly bound by law and duty. In spite of all pretences about having no glebe houses there was not a parish in Ireland, where the clergyman could not find a convenient

the court of King's Bench, and the would fear of ad such
the Irish clergymen did not
in their livings, let them
those would be found who
state. He would not see the ne-
of the order of law, and he feared the
the bill would be passed by it. The
gent. suggested by the hon. gent., of
ing too much influence to the bishops,
was contained in the English bill, of which
this was only a copy.

Mr. For agreed with his hon. friend (Mr.
Graham), in the necessity of postponing
further proceedings on this bill, not only
want a full attendance of the gentlemen of
the house should be present, but until those
gentlemen, who were to represent the Irish
parliament in that house, should be in
their places, and be able to give their opi-
on, touching the necessity of a measure
which he should conceive to be amongst
the first objects of their enquiry, upon ex-
amining into the state of that country. At
the same time, he was willing to allow, that
what had fallen from the hon. and learned
gent. had certainly some weight. But yet
he could not see the great inconvenience
that would arise from passing the bill in
May, if it was fit to pass it at all, instead of
passing it now. The measure surely would
not be the worse for more mature delibe-
ration and fair discussion; and from the
time of the year at which this house had
been accustomed to break up for the season
of late years, he could see no danger of the
bill being lost by the delay proposed by
his hon. friend, unless the hon. and learned
gent. was apprehensive that the bill was
such an one that it could not pass at all,
if it were to be deliberately considered.

Dr. *Duigenan* persisting in his motion,
the gallery was cleared for a division, but
the house, after some further discussion,
did not divide; and it was agreed to post-
pone the committal until the 21st of April.

HOUSE OF LORDS.

Friday, March 14.

[MINUTES.] The bishop of Ossory took
the oaths and his seat.—Lord Collingwood's
Annuity bill was read a 2d time.—Mr.
Alexander brought up the Irish Sugar
Drawback bill, the Woollen Manufacturers
Penalty Suspension bill, and the British Su-
gar Drawback bill, which were severally read
a first time.—The Corn Exportation bill,
the Irish Duties bill, the Foreign Troops
bill, the Royal Marine Mutiny bill, and

the Greenland Whale Fisher
through committees and were
On the motion of lord Holla-
ratory bill, with its amendm
dered to be printed.—Earl
consequence of the absence
justice of the King's Bench, v
stood wished to be present. o
ment of his bill for the Discov
moved to postpone the co
Monday, which was agreed t

HOUSE OF COMMONS

Friday, March 14.

[MINUTES.] Lord Stan-
petition from the Maltsters, f
rough of Preston, praying re-
tain restrictions imposed by
42d of the king.—Mr. Alc
Treasury presented an acco-
how the monies voted for
the year 1805 had been dispi-
their several heads, so far as r
Britain.—A person from th
seum presented an account
diture of that institution, for
and estimates for the year 18
craft brought up certain Or-
containing an account of
strength of the Artillery and
also an account of the effecti-
the corps of Engineers, from
inclusive.—On the motion of
das, the Scotch Creditors' l
2d time.—On the motion of
the Sugar Drawback and tl
Drawback bills were read
and passed.—Mr. Rose mov
count of the amount of all
Great Britain to the island o
the last 7 years, distinguishi
foreign goods; also an accou-
tity of sugar, rum, and co
from the Island of Tortola
settlements; and copies of
his majesty in council relati-
cation of the act of the 42d
majesty.—Ordered.

[WOOLLEN MANUFACTURE]
Lord *Temple*, pursuant to h
former night, moved, that a
appointed to take into con-
various acts relating to the
nufacture.

Lord *Henry Petty*, in secc
tion of his noble friend, too
nity of stating the motives w
him on the occasion. Th
elapsed since a committee

pointed to take this important subject into consideration. No final arrangement had yet taken place, and the suspension bill had been, from time to time, renewed. However objectionable such an expedient might be as a remedy for temporary evils, it was peculiarly so in this instance, where the evil would be every day growing worse and worse. He trusted that when the committee should make their report to parliament, the house would look the question in the face, and come to such a decision upon it as would put an end to the irritation which was kept alive in the country, by the frequent renewal of the suspension bill. The interests of the manufacturer, employers, and employed, and that of the country, were the same, viz. to promote the growth and prosperity of the manufacture.

Mr. H. Lascelles stated that the evil alluded to by the noble lord, and which it was the object of the proposed committee to correct, did not originate in the suspension law; but that, on the contrary, this law was rendered necessary by the penalties given by certain obsolete statutes, and was calculated to restrain the operation of this evil. The fact was, that a number of statutes existed which were quite inapplicable to the present state of the Woollen Manufacture. Yet upon those obsolete statutes several prosecutions had been commenced; and to guard against the effects of such prosecutions the suspension law was introduced. Such was the object of this law, and it had answered the end in view. But still he felt that it could serve only as a temporary expedient, until, as in this instance, it was determined fully to investigate the subject, and to decide what laws should continue in force, or whether any new laws should be enacted with regard to the state of the Woollen Manufacture.

Lord H. Petty replied, that he had certainly expressed himself very ill, if his words conveyed the idea, that he considered the existing discontents as originating from the suspension acts. He had only said, that these were temporary expedients, which had not lessened the irritation, and that something further was necessary to be done.—A committee was then appointed to whom the various petitions from the Woollen Manufacturers were referred, and who were empowered to report from time to time, their observations on the whole subject.

VOL. VI.

[AFFAIRS OF INDIA.] Mr. Alderman *Prinsep* rose, pursuant to notice, to move for the production of a document of the highest national importance in his estimation, with a view to put government and the house in possession of a most material fact with regard to the commerce of India. To enable his majesty's ministers to take prospective measures upon the subject of India, it appeared to him essentially necessary that they should be made acquainted with the proportion of the commerce of that territory, of which neutrals had contrived to possess themselves. That proportion struck his mind, and he believed, when known, it would equally strike that of any thinking man in the country, to be most extraordinary and unfair, when compared to that enjoyed by the subjects of this country commonly denominated private traders, nay, even by the India company themselves. Upon considering this comparison, it would be seen what return was made to Great Britain for the price she has paid for the purchase of our Indian territory; for the expence incurred in maintaining it; and for the anxiety generally existing with respect to its concerns. The fact was, the British share of Indian commerce was a very inadequate recompence for the quantity of population and wealth which Great Britain was annually in the habit of expending for the support of our dominion in India; for the constant drain upon every class of our population, to administer the various branches of civil and military government of those territories; for the original and subsequent contributions of capital for the company's trade, and for the diversion of so great a portion of our naval strength in the external protection of India against the natural enemy of our commerce and power. Foreigners enjoyed a share of this trade, which, compared with our own, the company's and private traders included, bore a proportion of not less, he was certain, than three to one. By this statement he would not be understood as wishing to excite any complaints on the part of the private traders; and still farther was it from his view to attach any blame to the India company, for the toleration of neutral commerce. The fault was not theirs; for, several of the neutral powers had possessions in India, before we ourselves obtained any footing in that quarter. By treaty some of them enjoyed the right of traffic with our territory; and some possessed territories of their own.

F f

from this circum-
 stance, the sum pro-
 duced by commerce at Ca-
 cutta is no less than the
 amount imported into Be-
 ngal during the 4 last years
 exported by the India
 Company millions of dollars
 of last year alone,
 &c. The importance
 of the subject in an official sta-
 tion is to every commercial
 man. He was induced to bring
 forward the subject from public motives,
 with a view to urge the privy
 council to press their complaints at pre-
 sent, the best course would be, in his
 opinion, to leave their case entirely to the
 consideration of his majesty's ministers.
 The subject, which no doubt was well for
 the consideration of the council, as soon as leisure permitted, the
 council would tend to that important ques-
 tion. At the same time he felt that the
 subject was one which he proposed to move,
 on the strongest grounds in favo-
 ur of the East India Company, the
 East India Company, and of course
 the best interests of the com-
 munity. He also made some remarks on the facility
 with which knowledge could be furnished
 of the object of his motion to the
 council, the arrivals and departure
 of the ships, were published monthly in
 the duties were collected *ad*
 hon. gent. concluded with in-
 formation, there be laid before this house
 ships and vessels navigating
 Chinese or other European colo-
 nial, which have entered
 cleared outwards from the port
 Madras, Bombay, Colombo
 Prince of Wales's Island, an
 indeterminate custom houses there
 official year 1800-1, inclusive
 period received; together with
 tonnage, and the value of their
 goods, so far as the same can be
 ascertained. Also, of all British shipping,
 in Europe, which have cleared
 those ports for London during
 the period."

Mr. Francis.—I presume, it
 is necessary to second such a
 motion. A return of the value
 and imports of tonnage, ship-
 ping goes, is a mere custom-house
 thing of course, perpetually
 this house, even without notice,
 refused or disputed. I rise
 for another purpose. The fact

worthy alderman, and the general conclusions, which he appeared to draw from them, are certainly of great importance in many views; though chiefly in a commercial sense. But, as this particular branch of the British interests in India is rather new to the house of commons, and even to myself, notwithstanding all the attention I have given to Indian questions, it is not at all unlikely that many other gentlemen may be as uncertain as I am, whether they perfectly understood him. For that reason, and also to obtain some lights from the worthy chairman of the court of directors, on the same subject, on which no man is better able than himself to give us the clearest information, I beg leave to restate some of the propositions affirmed by the hon. alderman. If I have at all mistaken his meaning, I am sure he will have the goodness to set me right. In the first place, however, it may be of use, not only now but hereafter, to revive and establish one fundamental truth, which never yet, I believe, was disputed by any man who knew any thing of the matter; and therefore fit to be kept in view in all future discussions of the commercial interests of India, which in effect are our own. It is, sir, that in any intercourse purely commercial between India and Europe, the relative circumstances of the two parties is such, that the balance of trade merely, must be, from the nature of their respective wants, immensely in favour of the natives of India. The inference from this position is obvious and natural. If England had nothing to consider, in its connection with India, but the duties of a sovereign, or even the profit of a proprietor; if this house, for example, were king of Bengal, I say that, in that character, it would be your essential interest to open all the ports of that country to all the ships and merchants of Europe indiscriminately. I hold it to be little less than impossible for such trade to exist without a constant balance in specie, more or less, being actually paid by the European merchant, for Indian produce or Indian manufacture. The truth of this proposition is not affected by the amount of supplies now sent out for the use of Europeans, and which have nothing to do with the natural consumption of the country. I have stated this opinion, with many arguments to support it long ago to the court of directors*.

* In his minute of Dec. 1776, in the Revenue department.

in the following terms. "There is reason to presume, that this was the policy of the ancient government; or why did they encourage every European nation to frequent their ports by exempting their export and import trade from duties?" I do not mean to go farther into any general considerations of this kind at present. Whether we like it or not, a time will come, when they must be resumed. I shall never meddle with them, if I can avoid it. The subject is not within my reach. What I aim at now is to obtain information, and chiefly concerning some matters of fact, to which the hon. alderman has alluded. He says, "that, in 1804, the sum paid by neutrals, for only six articles, at Calcutta alone, amounted to three millions; that the bullion imported into Bengal, by those neutrals, exclusive of that laid out by the India company, exceeded nineteen millions in dollars, and that the importations of last year alone, amount to 5,300,000/." In addition to all this importation by neutrals, we know that within a very few late years, the India company have poured into Bengal and the other presidencies, a supply of specie, not far short of 7 or 8 millions sterling. I cannot precisely state the period nor the amount, because the return is not before us. More or less, however, we are sufficiently certain of the fact. On these facts a question arises, which I am utterly unable to answer. It constitutes a problem, not only beyond the extent of any knowledge I possess, but beyond the reach of my imagination to resolve or account for. With a territorial revenue, greatly under-stated at 15 millions sterling a year, and with this immense influx of foreign specie, into Bengal particularly, how does it happen that there is no circulation of specie in Calcutta, or in any of the company's other presidencies or settlements? No, not a rupee. The only medium of circulation, in all those principal places at least, is paper, and paper of the worst quality and most injurious to the government, that is, company's notes or bonds, or securities,—the name is immaterial,—with a heavy interest, convertible at short intervals into capital. Now, I ask the hon. chairman of the court of directors, for no man is better qualified to instruct the house on this subject, what becomes of all this specie? Is it buried? is it re-exported? or how is it employed? All we know is, that it vanishes and disappears, as fast as it is imported,

My next question is, and very material it will be found some day or other, where and how is all this supply of money produced in the first instance? Does it really and *bond fide* belong to those neutral powers, under whose flag so great a portion of the foreign trade of India is carried on; not only to the exclusion of British private-traders, but, in a considerable degree, even of our chartered company? Is it a question to be thought of with indifference, whether our own West-India islands shall be supplied with the manufactures of our own Bengal, as in fact they are, by American carriers? Is that immense carrying trade to be taken from the industry and navigation of Great Britain, and made over to Sweden, Denmark, and America? I say, you must correct your institutions, if that be the effect of them. Again I ask, with what capital, with whose money, do these foreigners conduct this trade, to and fro, with our proper settlements and colonies? Is it their own, or is it British property? If it be the latter, as I suspect it is for the most part, why should we transfer the use of such a capital, and the profits of such a trade to foreign carriers? Is it rational that Britain should bear the whole expence and burthen of these distant settlemehts, and that the only return they can make us should be ingrossed by strangers? The folly of permitting such courses to be continued, is insupportable.—Another question deserves the attention of this house. Where, in fact, are the cargoes of the ships in question, which are destined for Europe, disposed of? Where do they find their principal market? Is it in poor Sweden, or in poor Denmark, or in the ruin of Holland, or in the desolation of Germany? I do not believe it: no, sir, the real market is in the British islands. This conclusion at least is obvious and natural; common sense can draw no other from the facts that are known, and from all the appearances, until better information shall be received from sufficient authority.

Mr. *Charles Grant* rose, and said: I do not rise, sir, to advance either of the objections the hon. gent. (Mr. Prinsep) has anticipated, to the production of the papers he has called for, nor, indeed, to object at all to his motion, because my opposit on to it might be misunderstood; but I wish to submit some general observations on the subject on which these papers are intended to bear. That subject is a very large one, namely, the extent to which the

private trade of individuals belonging to this country should be open between Great Britain and India. It is not a subject merely commercial, but involves a great political question, the system by which our Indian empire can be best governed and retained for Great Britain; that is to say, whether the intercourse between the two countries shall be regulated on the principles of our colonial policy, which give all our subjects a free trade between our colonies and the mother country, or by the principles which have hitherto made the East-India company the national organ through which India was to be governed, and the commerce between it and this country carried on.—This, I say, sir, is a great national question, in the determination of which may be involved the preservation of our Indian empire; and, therefore, it is not at all to be decided by any results derived from such statements as the hon. gent. has called for; statements which, merely in a commercial view, would give but partial and imperfect information, insufficient even for just commercial conclusions on the subject.—This great question, sir, will not be best considered by bringing on the discussion of it immediately in this house, with the minds of gentlemen not sufficiently informed or prepared for it. I am humbly of opinion, that it is a subject for the mature enquiry and deliberation of his majesty's government; who, after fully informing themselves of facts, and weighing the bearings of the proposed enlargements of private trade upon the safe retention of our Indian empire, will be best enabled to bring just views of this subject before parliament. The present crisis, when the nation is engaged in the most arduous struggle, is not the time for entering into this enquiry. It should be reserved for a more calm and settled period. The question of private trade was before the house some years ago, and an arrangement was then agreed to, which is still in force.—The question must again necessarily come into view when the renewal of the company's charter is agitated, and that ought to be in a few years hence, because the charter has now but seven years to run, and the consideration of its renewal should not be delayed till the eve of its expiration.—It has been argued that the trade of India is open to all the subjects of Europe, except those of this country. This has never been a matter within our controul. The maritime nations of Europe had the privilege of trading

settlements in India, as early as we had, some earlier. Our acquisition of territory there did not deprive them of their rights. Some of their settlements were without the pale of our conquests; those which were otherwise, were confirmed to them by treaties; and though the Indian continental settlements of the nations with which we are at war, are at present in our possession, it does not follow that they may not hereafter be restored. Besides, we do not regulate the trade of foreign Europe or America with our Indian territories on the principles of colonial exclusion. We could not do so, or if we did, the nations who have no settlements of their own there, might shut out our Indian goods from their ports. Whenever we are at war, all the neutral nations of Europe and America must carry on the Indian trade with more advantage than either the India company or the individuals of this country can. They save war insurance which we must pay; they otherwise navigate cheaper, and they sail at the most convenient times. The Americans undoubtedly avail themselves of this state of things, and in a way contrary to the letter and spirit of the treaty of commerce and amity made with them in 1794. By that treaty, they were allowed a direct trade between our settlements in India and their own ports in America. They now carry on a circuitous trade between India and foreign Europe, in violation of that treaty, and they even supply our own colonies with Indian commodities. The East-India company are not to blame in this. It is a subject for the consideration of government, and they no doubt pay due attention to it.—In answer to the enquiries of the hon. gent. (Mr. Francis), I would observe, that the quantity of 19 millions of dollars, said to have been imported in the course of some years into India, probably includes the export of bullion from this country, making a considerable part of the whole; the rest must come from America and Foreign Europe. That there is little circulation of specie in our principal Indian settlements, is true. Paper constitutes the chief circulation there; but in all the interior of our vast possessions, specie only circulates; the manufacturer, the peasant, the trader can deal with nothing else. A great proportion, therefore, of the imported bullion, being coined into rupees, no doubt, circulates in the interior of our own possessions. But a part, I believe, goes to countries beyond them for the

purchase of the productions of those countries, and does not return to us. In answer to the question, where the cargoes brought by foreigners from India are sold? I apprehend in foreign Europe and America.—But to return to the main subject; I must repeat that no conclusion can be drawn from any insulated document respecting it. It is a very complex subject, and I must deprecate any discussion, or the inference of any important fact from a partial view of it. Since the arrangement made respecting the private trade in 1801, many new facts have been established which the company will have to state; amongst others, that the enlargements since given to the private trade have, with other circumstances of the time, deteriorated the company's sales of Indian goods 30 per cent. Perhaps when the subject comes to be investigated, it may be found that the question between the company and individuals, as it relates to trade, is not entirely a question about lessening the share of neutral nations in the Indian commerce, and increasing ours, but partly a question about transferring to individuals a share of the trade now carried on by the company. In a political view the question concerning the extent to which individuals shall be allowed to embark in this trade, must be connected with another question far more important, whether India is to be governed on colonial principles, or by the more restricted system now in force? a question which I conceive involves the safety of our eastern empire.

Mr. Francis.—Sir, on one topic only I beg leave to explain myself. I am not at all satisfied with the explanation given by the hon. director, in respect to the specie, which, if it existed, ought to circulate generally through the provinces. He admits that there is little circulation of specie in our principal settlements. But he affirms "that a great proportion of the imported bullion, being coined into rupees, no doubt, circulates in the interior of our own possessions." This solution of the difficulty seems to me full as extraordinary as the difficulty itself. If any great financier was to inform this house that, although there was not a guinea or a shilling to be seen in London or its neighbourhood, there was a plentiful circulation of both in Scotland, in Yorkshire, and in every part of the kingdom, at the distance of 50 or 60 miles from the capital, what would you think of his veracity or his intellects? Is it physi-

cally possible that the blood can circulate at the extremities, and never return to or pass through the heart? But I doubt the fact, and for this plain and unanswerable reason. Admitting that lord Cornwallis could find no money at Calcutta to pay the arrears of the army; still, on the principle of the present explanation, he might have found money enough in the districts. He might have raised such a sum as 200,000*l.* at least; and then he would not have been reduced to the deplorable necessity of taking that amount a second time in his own life, out of the company's ships, and changing its destination, from the provision of their investment in China to the payment of the army on the frontier of Oude, or on the banks of the Jumna.

Mr. *Brogden* supported the motion, as he thought the whole of this important question should be fully examined. He had himself, last session, proposed to bring forward a motion the same, if not in form at least in substance, with that then under consideration, but had abandoned the idea, as he was not certain of support to give effect to his proposition.

Mr. *Athins* supported the motion, and suggested the propriety of producing an account of the total value of exports from, and imports into the East Indies, distinguishing the share of each nation engaged in the trade.

Mr. *Secretary Fox* had some doubts on the subject of this motion. The hon. director had said, that the production of this paper would not be sufficient to enable the house to form a complete judgment on the whole case, without the production of other documents. If this paper would lead only to an imperfect or premature opinion, he should certainly feel strong doubts of the propriety of granting it. Had the hon. director stated an intention to move for other papers, in order to bring the matter fully and impartially before the house, he for his part could see no reasonable ground of objection to its production; but as the case stood then, he did not think it right to grant any paper that would have the effect of leaving an imperfect impression on the minds of those who should consult it. Such it appeared was the opinion of the directors, and he could not help thinking, that that house and the country was fully willing to give to the judgment of that hon. board all the confidence to which it was entitled. But independently of their opinion, the hon. mover himself had not stated any

ground of necessity for the production of this paper, or that he meant proceeding upon it. He had in the contrary. There was an connection with this motion which the mover had perhaps in contempt he brought it forward: he meant the trade of America. That was now under consideration was tolerably notorious. It was believed, unknown to any one but him, that a representation respecting the trade of America had been made to his majesty's government by the United States. That representation was under discussion, and necessary information would be required, but not, however, from any document laid on the table of this house, but by the hon. gent.; but by no means to all those who were most interested in the subject at issue, would look for knowledge and judgment through the production of this paper. Among others, the directors of the company would of course be interested, but upon a question of such importance, no imperfect document could be trusted to, such as this motion to influence the judgment of the house.

Mr. *Prinsep* stated his only objection to bring an important fact before the house, out of which a very serious question naturally arise, namely, whether the profits of the commerce of this country had such a sufficient to atone to the cumbrance to which they subjected the maintenance of that territory; if the same system was pursued, it would be worth holding, as the chairman had stated his opinion that this country could never contend with foreigners in trade; if so, it followed, that such free access to India as was possessed, must inevitably carry trade, except the slender portion of imperial commerce of the company, to support: He happened to have a more cheering confidence had taught him, that raw materials of various kinds, and commodities than the assortment the company traded,—though and therefore more beneficial to our carrying trade,—that the articles in which foreigners now trade exclusively, might be brought

British traders in their own smaller-sized and cheaper-equipped vessels, with considerable profit to the trader, and to the great advantage of the revenues of this country. A sufficient supply of the raw instead of the manufactured material, would accelerate the period which he saw approaching, when the natives of India shall be supplied with cloth made here of their own cotton, leaving to the mother country all the profits of freight, agency, commission, insurance, and manufacture. All these and many other beneficial results would follow an extension of the privileges of the private trader, if no time was lost in taking up the question to which his motion paved the way. The hon. member felt himself obliged to lend to the high authority on the treasury bench, but still he would contend that the document he moved for would answer every purpose. If it did not, however, it was easy for the hon. director, or any other person, to move for such further papers as might be deemed necessary. The declining to do so, and still opposing his motion, he could not avoid thinking, shewed a disposition to blink the question.

Lord Henry Petty said, it was always the wish of his majesty's ministers to give every species of information which could lead to any distinct object or practical conclusion. It would, however, evidently appear improper, that there should be any discussion in that house, upon points of so much delicacy, and which were now the objects of important discussions elsewhere. But as there could not, with propriety, be any discussion in that house, upon those points, he thought it would be the best way of getting rid of the motion by proceeding to the other orders of the day. He, therefore, without any disrespect to the hon. alderman, thought it his duty to move that the other orders of the day be now read.

Lord Castlereagh was of opinion, that a commercial question of such magnitude and importance to the interests of India, and of this country, should not be brought before the house on any partial statement. If the question were to be examined by the house, it should be on much more general grounds. The principal reason, however, which made him concur with the noble lord who had moved the order of the day was, that he must most seriously deprecate any discussions in this house, which might exert an influence, or prejudice, the discussion upon those points which were now the

subject of negotiations carrying on by his majesty's ministers. There would be no use in the production of those papers if no discussion was intended, as it was in the power of any individual member to get the information that those papers would convey, either from one of the directors or any person connected with the East-India company. He hoped his majesty's ministers would proceed in those important negotiations with all that temper and forbearance which was due to a country whose interests had been so long connected with ours; and at the same time with that firmness and decision which were due to the rights and interests of this country, and without which our commercial relations could not subsist, either with America or any other country. He should wish this subject to be left to his majesty's ministers in the most comprehensive manner. There was one idea, however, he should venture to suggest, which if he had continued longer in office, he had intended to have carried into effect. He thought there might be an account of the Indian exports, imports, and the amount of the carrying trade, laid before parliament annually, in the same way that the account of the exports and imports of Great Britain were. Such an annual account would give to the house information of great importance with respect to India.—Mr. Alderman Prinsep, after a few words of explanation, withdrew his motion.

[MILITARY ESTABLISHMENTS.] Mr. Windham rose to give notice of his intention to move on Monday for leave to bring in a bill, for regulating the trade and commerce with the Cape of Good Hope. The right hon. gent. said, he would take this opportunity of stating, that he hoped in the course of the next week, to be able to fix a day for bringing forward the subject for which the hon. gentlemen were so impatient, and about which the country at large was naturally very anxious. He supposed that on Monday se'nnight he should be able to submit to the house the measures which his majesty's ministers meant to propose for the Defence of the Country; but this he did not mean to have now entered on the journals as a formal notice.

Mr. Canning wished to know whether the repeal of the Additional Force bill was to be among the measures to be proposed?—No answer was, however, given to this question.

[ORDNANCE ESTIMATES.] The house

ld be found more desirable to pay off by exchequer bills. There was a further to be provided for, to the amount 60,000*l.* being part of 3 million advanced to the bank, in 1798, one half of which had been since paid, and this other half renewed, and remained to be provided for now.—The following Resolutions were then agreed to: 1. "That 8 millions be granted to his majesty, for paying off and discharging the exchequer bills made out by virtue of an act, passed in the last session of parliament, for raising the sum of 8 millions, by loans or exchequer bills, for the service of Great Britain, 1805, outstanding and unprovided for; 2. That 2½ millions be granted to his majesty, for paying off and discharging the exchequer bills made out by virtue of an act, passed in the last session of parliament, for raising the sum of 2½ millions, by loans or exchequer bills, for the service of Great Britain, 1805, outstanding and unprovided for; 3. That 1½ million be granted to his majesty, for paying off and discharging the exchequer bills made out by virtue of an act, passed in the last session of parliament, for raising the sum of 1½ million by loans or exchequer bills, for the service of Great Britain, 1805, outstanding and unprovided for."

HOUSE OF LORDS.

Monday, March 17.

MISCELLANEOUS.] The marquis of Blandford introduced, agreeably to his new creation of baron Wormleighton, with the usual formalities, sworn, and took his seat. His supporters were, the earl of Galway and lord Grenville.—The Marine Bill, the Irish Malt Duty Regulation Bill, the Greenland Ships Quota, and the Exportation bills, were severally read a second time and passed.

WOOLLEN MANUFACTURE SUSPENSION BILL.] Earl Spencer moved the second reading of the Woollen Manufacturers' bill. The noble secretary of state prefaced his speech by adverting to the importance of the subject of which the measure now proposed made a part; the necessity that existed for the bill's passing into a law, as the existing suspension bill would shortly expire; it was that alone which induced him to bring forward the present bill, which he hoped would, the proceedings being steady in train in another house,

be thoroughly investigated, and such steps taken in the present session, as would be attended with beneficial effects. In the mean time, under the circumstances of the case, their lordships must be aware of the necessity for the passing of the bill, and on that ground he moved the second reading of the bill.

Lord Auckland said a few words generally in support of what had fallen from the noble secretary of state; and, in addition, adverted to some proceedings which had taken place upon the subject, in the committee of the privy council, appointed for the consideration of such topics.

Lord Grenville followed on the same side. He seemed adverse to the principle of bills of the kind, but in the interval of the general subject of the woollen manufacture being thoroughly investigated, and a general law framed for remedying the evil complained of, a measure of the kind, merely to avert a greater evil, was deemed necessary; and nothing but the peculiar circumstances of the case, could induce him to support the bill.—The bill was then read a second time, and ordered to be printed.

[DISCOVERY OF TRUTH BILL.] The order of the day, for their lordships going into a committee on the bill for the more effectual discovery of Truth from Witnesses, being read,

Earl Stanhope rose, and observed, that an opinion had been suggested to him, and in which he most cordially agreed, that the best way would be to refer the bill in question to the consideration of the judges, with instructions to frame it, or to draw up another bill, so as to answer its purpose. He had been told, on a former night, that his bill was in a crude state; now, that was what he should like to debate, either in a committee, or out of a committee; on that head, however, he thought he had gained a victory over a noble and learned lord then absent. On the whole, he thought it was best to submit the present bill to the judges, as a more important subject than that to which it referred, could not exist; it was the more necessary, because their lordships had, to a bill very properly introduced by his noble friend on the woollen-sack, tacked certain provisions, suggested by another noble and learned lord, which, instead of improving the bill, only rendered it obscure and unintelligible, and which in the pending stage of the bill, ought to be rejected, in order to reduce it to its original clearness. In the view, and for

having resolved itself into a committee of supply,

Mr. Calcraft, in proceeding to the Ordnance Estimates for the year, expressed a hope, that in future years some deductions might be made from the charge of the present expence of this department. The estimates of this year for Great Britain were less by 300,000*l.* than in the last year; but a large sum was required for the establishment for Ireland, and the expence in that country, so as to counteract this reduction in a considerable degree. There was, however, still to be accounted a diminution of 200,000*l.* moved, "that a sum of 2,000,000*l.* be granted to his majesty, for the charges of ordnance for the year 1801, Great Britain, for the year 1801."

Mr. Wellesley Pole, on the second estimates now moved, found them the same with those proposed by the board of ordnance. There was a difference in a few items, which were not made up when he was in office, making the whole of the estimates about 7000*l.* more than the board had made it. He was to state, that these estimates were the same as the estimates of the late board, and hence he thought the present board had not made the estimates correct, but the same as the late board were, and the reduction of 300,000*l.* on the establishment was made by the late board, and increased preparatory to the hon. gent. had made the necessary and necessary, were the same as the late board. The further reduction of 200,000*l.* was also done by the late board, and the administration, who were not acquainted with all the regular and proper management, had placed the estimates in a manner in which it never could be managed, in which the present board had a great management, and a great credit for, could not be accounted for the public, and he was sure the hon. gent. would find this justice, and that the administration, had been very much pressed the management of the late board, but he was not necessary to go into the details.

Mr. Calcraft, in reply, said, he had no wish to

the subject of the estimates, and he was sure the hon. gent. would find this justice, and that the administration, had been very much pressed the management of the late board, but he was not necessary to go into the details. He was sure the hon. gent. would find this justice, and that the administration, had been very much pressed the management of the late board, but he was not necessary to go into the details.

Secretary of State, in reply, said, he was sure the hon. gent. would find this justice, and that the administration, had been very much pressed the management of the late board, but he was not necessary to go into the details. He was sure the hon. gent. would find this justice, and that the administration, had been very much pressed the management of the late board, but he was not necessary to go into the details.

could eradicate old prejudices, and those who were poor and ignorant would, as he had before stated, be liable to all the bad effects of those prejudices, which might be removed by their being sent from home. At the breaking out of this war, he said, the government had resorted to a measure of raising sea fencibles, a measure which might do very well in England, but would not in Ireland. There were, however, in Ireland, many men upon the different coasts who were employed in a variety of small craft. Some naval officers had been employed by government to make a survey of the coasts of Ireland, and in doing so they had found, in the various harbours, creeks, and bays, a body of not less than 10,000 men, employed in craft of different kinds, who might, perhaps, become valuable assistants to an invading foe. He thought those men might be embodied and brought over to this country, with great advantage, to act in the capacity of sea fencibles. There would also a farther benefit result from employing them in this way. When the fertility of the Irish was considered, it was not going too far to estimate those men having families of five or six each; so that you would, in time, add to the population of the country, from 50 to 60,000 people. The hon. member mentioned several other good consequences which he thought would result from their mixing the Irish with the English militia, and hoped the bill would be productive of the most salutary effects.—The bill was then read a second time, and ordered to be committed to-morrow.

[COMMISSION OF NAVAL REVISION.]

Mr. *Whitbread*, in pursuance of the notice which he had given, rose to submit to the house his motion on this subject. He said, that it must have been observed by the house, that in the ordinary estimates of the navy which had been laid on the table of the house by the member of the late administration, whose department it was to do so then, was an item of 20,000*l.* stated to be for the purpose of defraying the expences of the Civil Commissioners of the Navy. It was extraordinary that no information was contained in the body of the estimates of the intended application of that sum. The Commissioners of Naval Enquiry had sat for three years, and had been engaged during the whole of that time in an arduous course of public services, which they had most meritoriously performed, and yet no provision whatever had been made for a re-

muneration to them for their labours. These Civil Commissioners had been appointed but three months, and at the expiration of that period application was made to parliament to place the sum of 20,000*l.* at their disposal. It was certainly just that all those who were employed by the public should be paid by the public, but there should be something like decency in the mode of the application, and something like decency in the selection of the time at which such application was brought forward. In all former commissions of a similar nature, he understood it was the practice to reward the labour when the task was accomplished: in this instance the remuneration was demanded when the work was scarcely begun. He was far from throwing any imputation on the individuals who composed this commission. On the contrary, he trusted that they would be emulous of the justly deserved reputation of the commissioners of naval enquiry, and that the result of their exertions would be correspondingly beneficial to the public; but he still thought it his duty to require, that the intended application of the sum that he had alluded to, should be explained to parliament. Supposing that they should continue in the performance of their duties for two years, their salaries would amount only to 15,000*l.* and there would then be a surplus of 5,000*l.* for any contingent purpose. He thought it but justice to the commissioners of naval enquiry, to observe, that, during the whole of their 3 years extensive investigation, including the expences of their journeys at different times to distant ports, and other incidental charges, the whole amount of the public money spent by them did not exceed 5,000*l.* He should therefore move, "that there be laid before the house, an Account of the intended application of the sum of 20,000*l.* forming an item of the ordinary estimate of his majesty's navy, for the year 1806; and stated on the said estimate to be for the purpose of defraying the expences of the commission appointed by his majesty for revising and digesting the Civil Affairs of the navy, in the years 1805 and 1806; together with any documents upon which such part of the estimate may have been founded; also any correspondence that may have passed between the admiralty and any of the persons composing the said commission, on the subject of the same."

Lord *Castlereagh* had no objection whatever to the production of this account.

sent Board of Ordnance, on the head of which particularly he passed a high encomium. In his opinion, the victory of Trafalgar had made a material difference in the situation of Great Britain. From that epoch we might consider the triumph of our navy as complete. We could not expect that the French would again dare to contend with us at sea, and we must therefore look to carry on the war in some other way. Unless some formidable continental confederacy could be formed to divert the attention of the enemy, we must expect about June, that the French troops would flock down to the coast, and in the flotilla with which their every creek and harbour swarmed, make some desperate experiment upon this country. He had no doubt that the best dispositions would be made to receive them warmly, but he could not help suggesting the propriety of not allowing Woolwich to be the sole depository of our means of defence. It behoved government to take steps to create some great central dépôt. It might be said that one was forming at Wendenbeck, but this was not sufficiently central. He would advise one at Leicester, or Nottingham, in which every thing should be provided and ready for an army of 200,000 men. Under the present circumstances, should any contingency allow the French to wait a large body of troops over to our shores, it was very possible that the British army might be compelled to act at an unfavourable juncture, merely for the defence of Woolwich, which from its nearness to the coast opposite to France, and from the rapidity with which the French troops were accustomed to march, would be in considerable danger. Every one knew the importance of a great arsenal. It was the capture of the Austrian arsenal in Vienna, that led to the treaty of Presburgh. No man would fight worse, because he knew every means were taken to ensure success to his exertions. Should a central dépôt, such as he had recommended, be established; should the French land and be enabled to advance, the country might rely on the bravery of the people of the North, of the inhabitants of Yorkshire, of Cheshire, of Lancashire, who would thus have it in their power to combat, and there could be no doubt, ultimately, to defeat the foe. After a brief recapitulation, he concluded by declaring, in the words of Mr. Burke, "that he would rather be despised for too anxious apprehension, than ruined by too confident security."

Mr. *Culcraft* said, that instead of the question before the house, and the only regular one in discussion, the speech of the hon. general embraced such a variety of topics as rendered it extremely difficult to discover what was his principal object. He should not, however, follow him over a field so desultory and irrelevant, but confine himself to the subject of the Ordnance Estimates; with the merit or demerit of which, those who had now the direction of that branch of the public service certainly had little or nothing to do; nor could they have the most distant wish of assuming to themselves any share of the praise or dispraise to which it might be entitled, or to conceal from the house what every clerk in the offices belonging to that department must know; namely, that those estimates were formed by their predecessors in office. They found them ready formed, and under existing circumstances, deemed it eligible to adopt them; and so far from depreciating their merits, he was ready to defend their adoption, against any censure which might be thrown on them. The noble lord now at the head of that department had found, that great expenditures had already been devoted to the establishment of old works and systems of defence begun, which he deemed it much more eligible to complete and carry into effect, than to attempt the erection or establishment of new. With regard to those designs that had been only planned, but of which the execution had not been begun by the former administration, he admitted that some of them had also been included in the estimates now on the table; but the board did not therefore pledge themselves to abide by those plans. They might adopt them with exceptions, or reject some of them entirely, as should appear most proper on farther deliberation, or from the occurrence of new circumstances. In this case the money that had been destined for those services might be returned or voted to some other purpose. The only alteration in the present estimate, from that which was formed by the late board of ordnance, was an article against which the sum of 12,000*l.* was written; and comparing the same estimate for several preceding years, it had been found, on inspection, that the laboratory at Woolwich had annually exceeded 25,000*l.* It had been thought therefore, that, contrary to the former practice, the fairest way was to bring forward that specific sum in the esti-

which would enable parliament to judge of the propriety of the estimate alluded to. He would confine himself to a single observation on one part of what had been said by the hon. gent. which was calculated to throw an undeserved aspersion on the proceeding in question. It had been the invariable practice with respect to commissions of this and a similar nature, that when they were appointed by parliament, they were not remunerated until they had accomplished the object of their constitution; but when they were appointed by the crown, parliament would have a just cause of complaint, if application was not made to them for remuneration in the first instance. With respect to the amount of the sum in question, the hon. gent. had himself accounted satisfactorily for 15,000*l.* of it. The remainder would be paid the secretaries, clerk, &c. He however thought it perfectly right that the paper moved for should be produced, in order fully to justify the proceeding.

Mr. *Whitbread*, in explanation, said that if it was the practice, as the commission was appointed by the crown, the early application to parliament for a remuneration, though it had been culpably terminated.

Mr. *Barstow* approved of the plan advanced by the hon. gent. that the country was to be commensurate of what was done by the house, and that it should show that the expenditure which they incurred was a just one.

Mr. *Barstow* said that he was of opinion that the country was to be commensurate of what was done by the house, and that it should show that the expenditure which they incurred was a just one.

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have been in the year 1805," which was the year in which the ordinance was passed.

[ORDINANCE.]—The ordinance was passed by the house of commons on the 17th of March 1806, and was the first of its kind since the year 1805.

General Pitt was one of the members of the house of commons who voted in favour of the ordinance. He was one of the members of the house of commons who voted in favour of the ordinance.

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other ambiguously respecting the Additional Force act. He had indeed admitted that it would form no part of the plan he was about to submit to the house; but he had not stated explicitly if it was in contemplation to repeal this act. So much convinced was he of the good effects of this act, and so anxious for its continuance, that, should it not be repealed, he thought the suspension, however unpleasant in the mean time, would be amply compensated by its continuance and vigorous execution. At the same time it became an object to know whether the bill was to be repealed or not, that those counties which had not conformed to its provisions might know in what situation they stood. For, the moment this bill should be discharged, without some legislative provision for the purpose, those parishes that had not raised their quotas would be indemnified from the penalties incurred by the said act. This certainly would be highly unfair, and be doing an injustice to those counties that had fulfilled their duty. But if it was intended, in order to avoid this injustice, to make those parishes pay the fines they had incurred, it was but fair also to put them on their guard, and to let them know the penalty to which they were liable. This would also have the farther good effect of doing the bill that justice in the execution to which it was entitled. The right hon. gent. therefore ought, not only to that house, but also to the public, to make a positive declaration of his intentions. The noble lord then proceeded to shew the strength and vigour which this bill had exhibited, notwithstanding the disadvantages under which it had laboured from the protracted hostility of the present administration. Then adverting to the Volunteer system, he maintained it to be impossible that any thing like a volunteer, whatever might be the abilities of the right hon. gent., could look without dread and discouragement to any counsels that he was supposed to influence. The noble lord concluded by calling on the right hon. gent. to declare more explicitly his intentions respecting the bill; and should the bill be repealed, if he intended to levy the fines on the deficient parishes according to the spirit of the bill? On this and other questions connected with the military defence of the country, it was indispensable that an immediate determination should take place, and that the men of talents, of which the new administration was said to be formed,

should hasten to exert those talents in a way calculated to be of service to the public. The patient might otherwise expire before the state-physicians had made up their minds, as to the prescriptions that ought to be adopted.

Mr. Secretary *Windham* said, that a right hon. gent. opposite him (Mr. Cairnes) had, on a former occasion, expressed an opinion that the new ministers ought to have been ready with their plan, in the space of three days after coming into office; but he surely ought to have considered, and the noble lord in particular should have repressed his impatience, by reflecting that the dilemma to which they were reduced, and which wanted so much explanation, arose from difficulties which the noble lord himself and his friends had created. Their military system had been so bad, that it naturally produced those difficulties. The strong expectation expressed on the other side of the house, of something new, was a proof, even in their opinion, that something more effectual was absolutely required to be done. The noble lord had very properly compared the present military system to a sick patient. But who had reduced the wretched patient to that languishing state? How came the patient to be in his present situation? Was it not the noble lord and his friends who had brought him to death's door? And yet, those who had brought the country to that state, were now loud in their reproaches against their successors, for not restoring the patient instantly to health. The noble lord wished to know, what was to be done? On this head it was very difficult to satisfy his enquiry. The whole of what had been urged on the other side came to this; the gentlemen felt that they had brought the country into difficulties, and expressed their surprise that ministers should be so long in extricating it from them. As to the admonition of the noble lord, with respect to the other topics upon which he had touched, he had only to say, that the attention of his majesty's ministers would be seriously directed towards them. To the other points on which the noble lord asked information, he had no answer to make; not that he was unprepared to give the answer, but because he did not conceive that the noble lord had any right to put the questions. He had nothing to add, therefore, to what he had said before on the subject; namely, that the question was under the consideration of govern-

ment, and would, in due time, be submitted to parliament.

Mr. *Canning* thought the right hon. gent. might have given some answer to the question of his noble friend, relative to the course intended to be pursued with regard to the penalties. As the right hon. gent. had alluded to what had fallen from him in a former debate, he should briefly advert to his speech on that occasion. He had never said, that the right hon. gent. had made any declaration, that in three days, he would produce a plan to meet the necessity of the times. The declaration he alluded to was made before there was any prospect of an immediate change, on the first day of the session, when the right hon. gent. had observed, on a wish being expressed for some delay of the public business under the circumstances of the moment, that five days delay was the longest the military system would admit of. This declaration had been made under circumstances of a peculiar nature; and with what feelings, he left the house to determine. The right hon. gent. had wholly mistated the argument of his noble friend. He assumed, that it was admitted on their side of the house, that some remedy was necessary. But in their observations they did not compare the right hon. gent.'s measure with their own, but with his promises; not with the system hitherto acted upon, but with that which he had held forth. They compared what he was to do, with what he had promised he could and would do. A long delay had taken place since the accession of the right hon. gent. to power, and yet he did not think himself called upon to make any previous declaration to the house and the country, of the measures he proposed to adopt. But no person, who had attended to the discussions in that house for the last four years, would think the application for information on such topics very new. It was particularly to be expected from an administration, combining, as had been asserted, and as they themselves represented, and what he was not disposed to deny, all the talents, all the abilities, and all the experience and wisdom of the country, that they should be ready to bring forward their measures without much delay. The right hon. gent. had proposed many systems and advanced many theories for the public service before he was in office, and yet he had been so long in administration without either having made up his mind, or been

able to persuade his colleague his plan. If they were to ask questions with a view to draw right hon. gent. a premature opinion of his measures, they would ill discharge their duty to the public. But it was collected, that the late minister, for a varied force; the right hon. gent. the contrary, would have it that is, of the description of a foreign service. Was it not alarming, that so much time had been suffered to elapse without stated his intentions on this subject, wished to keep up the Volunteers, he, on the contrary, though he did not appreciate or undervalue the Volunteer movement, had declared the movement to be radically wrong. Was it not alarming, and was it not those Volunteers, who, in a moment had fallen under his suspicion, anxious to know, as early as possible, measures the right hon. gent. would adopt with respect to them? An air of anxiety arose from the circumstances relating to the Additional Force. The right hon. gent. (Mr. *Sheridan*) the confidence of the present government on the first day of the session of a motion for its repeal. The matter of great anxiety to know that would be pursued with respect to the measure? Another source of the principle of responsibility rested to the individual member of the administration, who was particularly in the execution of measures of doctrine he differed. The agent, not the individual, was the object of confidence; and he did hope, that the present administration, though they say that he approved of the measures of particular individuals to the extent they occupied, would be entitled to confidence, because he saw that the great ruling spirit, one presiding guide, controul, and direct. As a war minister, he could not but be of the right hon. gent., and he was of the opinion of nine-tenths of the country was with him. If he judged of things to a standard which had been mended in another instance, in the future by the past, he saw that he would be satisfied with him in his position. The right hon. gent. would nourish that fine tree, the tree of liberty, and to do so by clearing away

bish, for that had been one of his plans. Another reason why he could not give his confidence to him was, a declaration made by himself, and which, without such declaration, he could impute to no man, that he had sat nine years in a Cabinet, though he disapproved of all its measures during that period, excepting the war.

Mr. *Windham* utterly denied the declarations that had been imputed to him. He had inveighed against the measure of the parish bill, without pledging himself to bring forward any specific measure in its place. That he had agreed during the nine years of his former administration with his colleagues in office in nothing but the war, he utterly denied having said. The war had been the basis on which he had gone into power, and was what he had regarded as the bond of union with that administration. Whether that conduct was right or not, it was not now a proper time to discuss.

Mr. *Whitbread* said, he gave credit to the right hon. gent. who had just sat down, for that open and manly enmity which he had so early and pointedly marked to the present administration: he admitted also the kindness of the noble lord who professed, in a manner which one would be inclined to consider as rather a little insidious, that it was not his wish to press the right hon. secretary to premature explanations upon the plans in contemplation. Indeed he had said, that it would be highly imprudent for the right hon. gent. to disclose any part of those plans, and yet the whole of his speech was composed of questions purposely directed to extort that disclosure. The anxiety of the noble lord seemed particularly manifested by his curiosity to know what was to be done with the Additional Force bill, and by his extreme solicitude, lest the same penalties and embarrassing exactions, to which one part of the country had been subjected, should not be extended to all the rest? He begged it, however, to be recollected, that the omission of raising men in those parishes, was not owing to neglect, but to impossibility; and that by much the greater number of them were unable to pay the fines they had thereby incurred. Rigorously to exact those fines would be a curious expedient, to prevent vexation in one part of the country, and of jealousy in another. The right hon. gent. who spoke last, was uneasy lest the Volunteers should take alarm at the present suspense, as to what measures

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were to be adopted respecting them. He had the honour to be a Volunteer, and he, for his part, felt no such alarm, and he was confident also that no such alarm could be felt by the Volunteers in general, as friends to their country, in consequence of any uncertainty under which they might remain until ministers brought forward their system. With respect to the wonderful efficacy so recently discovered in the operation of the Additional Force bill, he begged to know on what authority the right hon. gent. made his assertion? or how that bill, when administered by him and his friends, should be so unproductive, and yet so effective now that they had ceased to have the management of it? The hon. member said, he could not speak from official documents, for he had recourse to none; but he could speak from the authority of those who had recourse to such information, and tell the right hon. gent. that this recent efficacy in the bill was not the effect of its natural operation, but the work of crimps and recruiting officers, in turning over to the parish levies, men under size for the line and militia. In respect to the delay of which he had complained, six weeks only had elapsed since his right hon. friend had come into office; a period surely not unreasonable to require for investigating the whole military system of the country, and endeavouring to form a system free from those defects and blunders, with which it was fraught under his predecessors! As to the lecture of the noble lord to his right hon. friend, he should only say, that if there was any mark to direct to the proper course to be pursued, it was to do the very reverse of what the noble lord had adopted whilst he was a member of the administration.

Mr. Secretary *Fox* said, that at another time, he might be inclined to go more at large into the general topics that had been introduced into this discussion, but in the present instance he meant only to observe shortly upon some points that had been touched upon by the right hon. gent. opposite, (Mr. *Canning*). That right hon. gent. had stated, that the present administration comprised all the talents in the country; and he had even stated it in such a manner as might lead to a supposition that they had so represented themselves. He should be happy that the right hon. gent. would state on what occasion he had heard them so represent themselves. It was impossible that they could have said

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so, when they saw the right hon. gent. on the other side of the house. It would be ridiculous in any person to insinuate that ministry comprised all the talent of the country, when the right hon. gent. was out of office. Not only the right hon. gent. but his colleagues on the same bench with him, had made such a representation impossible, particularly by the display of talent which they had already made in opposition. This declaration he (Mr. Fox) made for himself and his colleagues. It was possible some of the friends of the present administration, thinking too highly of their merits, might from prejudice or partiality have so described them, but he thought it was hardly for the friends of a right hon. gent. lately deceased, (Mr. Pitt) to be the first to object to that species of compliment. He had never, so far as that right hon. gent. was concerned, observed the right hon. gent. opposite an enemy to panegyric; let him look to what he himself had said of his late right hon. friend, and perhaps he would not think the partiality of friends so unwarrantable. With respect to his right hon. friend near him (Mr. Windham), the right hon. gent. had said, that he had no opinion of him, nor any confidence in him as a war minister, and that 99 out of every 100 were of the same mind with him on this subject. This opinion the right hon. gent. immediately took as granted, and then went on—not to propose to turn him out—but to say, “Before you have fully matured your plan, explain to me the nature of it.” Was it, he would ask, a fair inference of want of confidence, to require of his right hon. friend to tell them the nature of his plan out of time? His right hon. friend admitted he was not completely ready. In that case he presumed to think it extremely hard that gentlemen opposite should say, Answer us on a point on which you confess you are not ready. It was pretty well known that it was the wish of the right hon. gent. lately deceased, to get the friends with whom he (Mr. Fox) acted, to make a part of his (Mr. Pitt’s) administration, and that such endeavours had been used with his right hon. friend (Mr. Windham), after he had made the speeches to which the right hon. gent. opposite alluded. It might, indeed, be said, that it was not in the contemplation of Mr. Pitt, to have given his right hon. friend the war department, but to have placed him in some other situation. If he (Mr. Fox), however, understood the

right hon. gent. opposite, no place could have satisfied that gent., or removed his objection hon. friend’s holding any situation would have said, “It is not of the particular department my confidence, but to the ministry.” The right hon. gent. of delay. It was not till the that his right hon. friend’s wish. The right hon. gent. (Mr. Pitt) he was convinced the right hon. gent. opposite would not willingly in or any other bad quality, did weeks after his return to propose his Additional Force act. To which intervened was nearly in the present instance. The single act only was to be introduced there was a new system to. There, however, no objection started, neither were any premises made into the nature of that he intended to adopt. If the any such, how awkwardly must hon. gent. have found himself declaring it to be built on a system he himself had been decrying last three weeks! The right hon. gent. declared that he could not reason for putting any question present, but a wish to embarrass good motive could the persist proceed from, when his right hon. gent. stated that he was not quite ready forward his measure? If he delay, why not bring forward a charge to that effect, and let be the subject of parliamentary But what advantage could premature declaration, similar required? From what good reason the wish to procure such a proceed? He should only proceed candour of the right hon. gent. If, before the plan of the military movements now in agitation had been laid before the house, his friend had at once moved for the Additional Force bill, he was ready to substitute in its place would the right hon. gent. Would he not have said; “your haste to shew your triumph gentleman who is now no more you not have waited with patience allowed the act to take its course were ready with a substitute appeal to the right hon. gent. i

not have been his conduct; and, if his right hon. friend now said that this bill formed no part of his plan, did it not follow that this was not the time to investigate or discuss its merits?

Mr. *Canning*, in reply to the appeal made to his candour, acknowledged, that if the Additional Force act had been repealed before the new system was proposed, he should not only have arraigned it as an impatience to obtain a triumph, but also have contrasted it with the conduct of his right hon. departed friend, who did not repeal the act of his predecessors, until he had a substitute ready to replace it. For some years, the right hon. gent. (Mr. *Windham*) had been saying, that a proper system of defence might be formed by any other than drivellers, by getting rid of the existing incumbrances; but now it appeared, that he did not find the task so easy as he was in the habit of representing it to be.

Mr. *Percival* thought that the different topics which had been discussed this night, would come more properly before the house on a future occasion. He thought, however, that it was hardly correct in the right hon. gent. (Mr. *Fox*) to say, that it was impossible the question could have been put from a good motive, more particularly as his noble friend did not press his question concerning the plan which the right hon. secretary (Mr. *Windham*) had in contemplation, but limited it as to the penalties. This he thought was a reasonable and proper question, as, while it was suffered to remain in suspense whether they were to be levied or not, it acted with a double disadvantage. With regard to the expectation that had been said to exist on this side of the house, he denied it to be peculiar to this side, and thought it not unreasonable, considering the pledges that had been held out. The right hon. gent. had been in the habit of considering what had been done on this subject as mere drivelling, and representing it as necessary only to clear away the rubbish. It was not wonderful then that some disappointment should be felt when he was so backward with his plans. For his own part however, he had met with no disappointment. He never thought the right hon. gent.'s plans would be realized. He never believed that better plans could be got than those now existing.

Mr. *Fox* explained, that he ascribed no bad motives to any one, and had only said that he could see no good one for those enquiries.

Dr. *Laurence* agreed with the hon. gent. who had just sat down, that this was not the time to enter into a discussion on the subject. He however thought the conduct of the gentlemen on the other side was so extraordinary, that he could not refrain from adverting to a few particulars. They had required his right hon. friend to make a statement of certain parts of his plan, when he had already declared, that the plan he intended to propose, was not entirely arranged. It seemed as if their object was to induce him to make declarations, which hereafter might be stated as a curb on his actions. But what man would be so absurd as to make declarations, when they were so likely to be mistated? when, in the debate of that very night, such misrepresentations had been made of former declarations? In fact, they could not be depended on: and he thought his right hon. friend had acted wisely in avoiding them entirely.—The Resolutions were then read and agreed to.

[*AFFAIRS OF INDIA.*] Mr. *Paull* moved that an order of the house, of the 27th of Jan. last, for the production of certain papers relative to the management of Affairs in India, be read; which being done, the hon. member stated, that upwards of 9 months ago, he had moved for certain papers, which he intended to make the foundation of charges against the marquis Wellesley; on the 27th of Jan. last, he had moved for other papers of a similar nature; and on the 1st Feb. an hon. member (Mr. *Wallace*) had moved for certain other papers, with a view of vindicating the noble marquis from the charges which he (Mr. *Paull*) intended to bring against him. Without imputing it as any blame to the present ministers, he had to state it as a matter of complaint, that though the papers which he had moved for had been ordered so long previous to the others, yet that those papers which formed the noble marquis's defence, were in the hands of the members of the house, while those which he had moved for, and which formed the ground of charge against the noble marquis were, in a great measure, not yet on the table of the house. He therefore moved, "that returns of the papers contained in the order of the 27th Jan. be made forthwith."

Mr. *Wallace* said, he had repeatedly stated to the hon. gent. the reason why these papers had not been before produced. At the time the changes in administration were likely to take place, and that, of course,

Mr. Fox thought, that if the papers for the defence were produced, and the others kept back, the matter should be explained.

Lord *Castlereagh* said, that towards the close of the last session, when these papers were moved for, there was no backwardness, on the part of the board, to bring them forward; but they were so voluminous, that it was impossible it could be done in the course of that session. When, at the commencement of this session, affairs took a different turn, he was not ashamed to say, that, in consequence of the changes which were about to take place in the administration, he, and those who then acted with him, left it to their successors to examine into these papers, and consider of the propriety of granting them or not.

Mr. Kerr reprobated the idea of gentlemen moving for papers of such magnitude, which were useless, inasmuch as few gentlemen read them. He reprobated the practice of publishing papers relative to the affairs of India, under pretence of criminalizing the marquis Wellesley, as it disclosed to the enemy much information which might hereafter prove mischievous to our India possessions.—The question was then put, and the return ordered to be made forthwith.

sir, if I abstain from applying the conduct of that noble nabob of Surat merits, it is from no dread of the violence of a noble lord under me. (Ten so ready on every occasion, broad shield of his protection, connections, to the character governor-general of India.— I need to lay the grounds for have given notice of, I must have one moment, and call to the grounds of charge your table, which will show, that I am this night to move for a resolution, not only to establish justice and injustice towards Surat, but to prove a leading principle in the system which lord Wellesley has introduced from the hour of his arrival, removal, he was prevented from mischief, from further acts of oppression.— There are no grounds of four charges against lord Wellesley before the house; the first charge is, that the nabob of the Carnatic, and the nabob of Oude, the illegal appointments of lord Wellesley, and that relating to the peace with the rajah of Bhurtpore, first was brought forward by lord Wellesley's agent. (Mr. Sheridan) who is in the house, but who stands pledged to support the conduct of the government and the country to proceed in the same manner. His character is so high, his conduct is so pure, with this subject so extensive, that in this part he has taken in the Indian offences so well known and so conspicuous, the presumption in me to bring forward a resolution in recollection of the house. I anticipate the contents of the report, or say any thing more as to the merits of the conduct of the hon. Mr. Wellesley, he has declared, decided opinion in favour of the government; rectors is on my side, both in principle and expediency of the measure; nor would I now recede from the conduct of the war against the nabob of Bhurtpore and the peace with that prince; to say, that, let his conduct have been ever so treacherous, abandoned, ever so perjured, I cannot but a little of my accusation against lord Wellesley, for that war and for the peace.— By the papers that are before the house, the detestable conduct of the nabob of the Carnatic and illustrious nabob of Oude, the treasons committed by

the English nation; the seizure of Oude and the appointment of Mr. Wellesley in consequence of the expediency of the measures, and the war in Bburtpore by its justice, and the peace, as a boon from the humanity of the late governor-general.—If the papers are granted this night that I shall move for, they will contain the proofs of the unjust assumption of the rights and revenues of a high and respectable prince, the representative of many sovereigns, the faithful unsuspected ally of the English nation, against whom treason nor rebellion, nor treachery, nor the stale plea of expediency, can be urged in vindication of the acts.—I shall allude, sir, to nothing that has fallen from any hon. or right hon. gent. in this house, on any former occasions; but, sir, I must say and state to this house, that declarations are abroad, and in this house, that have excited serious alarms, dismay, sorrow, and I would almost say despair, in the minds of every true friend to liberty, of every friend to justice. It is said, sir, that his majesty's ministers are to set their faces against retrospects of every kind as to India; this, sir, I never can credit: but should even that be the case, whilst I must deeply regret the circumstance as being fatal to the ends of justice, yet still I shall proceed, in a cause which has lost me many powerful friends, made me many powerful enemies; a cause in fact in which I have lost every thing except my consistency and my integrity. My object is retrospect, and again to show to bleeding irritated India and to Europe, whose eyes are fixed on our decision, that if offences have been committed in India, that they will not pass unpunished. For what, sir, I ask, was the emaciated worn-out Mr. Hastings brought to the bar of the house of lords? Was it, sir, to inflict a punishment on that gent. worn out by a 33 years' residence in a tropical climate? That certainly, sir, was one object, but trifling and contemptible, compared to the other grand objects that the illustrious characters had in view who managed that impeachment. They, sir, proclaimed aloud that their object was example; that their object was, to warn all future Indian governors from injustice, from oppression, from aggrandizement at the expence of British faith and honour; they were to hold out to the latest posterity an example, that no talents however great, no character however amiable in some respects, would shelter the oppressors of the weak and the

invaders of the defenceless. In consequence of such principles, was Mr. Hastings brought to a trial.—Exclusive of acts in your statute books, the impeachment of Mr. Hastings formed a new tem for Indian government; that impeachment, sir, was a solemn declaration of opinions of the representatives of this nation; and on that system, the ever-lamented lord Cornwallis acted; he scorned to enrich himself or his employers, at expence of British faith and honour; whilst he lay expiring at Ghauzipore, could say with truth, that the prince the peasant of Hindostan, from him received injustice; for his acts, no Indian had ever cause to put on mourning. His worthy and hon. successor, lord Teignmouth, followed the same system: but with these noblemen your system ended, and what system was adopted by a man who was a member of this house when the impeachment was voted, I shall attempt at present to describe; suffice it to say, the Carnatic has been seized, Odivided; Farruskabad usurped, Surat invaded; Bundichund, Rohillehund have changed their masters; the half of the Mahratta empire was added to the English possessions; in short, from Cape Comorin across to the Bay of Cambay, from the Bay of Cambay to Balasore roads, from Balasore roads to the frontiers of Tartary, hardly a spot is to be seen on the map of India, that does not bear the bloody characteristic mark of the East-India company; and still no retrospect, it is said, is to be had, as to the causes of the fatal evils which we so much deplore.—If such, sir, is to be the decision of this house, it is only for me to bow with deference and respect to that decision; but if hope is to be conveyed to India, and if a chance of prosperity can be entertained, I hope the house will grant the papers I have this night moved for; and if they constitute crime, that this house will show to India and Europe that the same principles that induced that decision in the case of Mr. Hastings, shall survive in the British house of commons. I shall conclude, sir, with moving, "That there be laid before this house; 1. Copies of all letters and enclosures between the late gov. gen. marquis Wellesley and the Bombay govt., relative to the privileges of the East-India company in the city of Surat, previous to the assumption of the rights and revenues of a prince called nabob of Surat, from 1798 to the con-

there was to be a great alteration in the board of controul, the gentlemen who composed that board thought it better to leave the papers, collected as they were, for the inspection of those who were to succeed them in office, and to allow them to exercise their discretion on them. With respect to the papers for the defence, which were produced before the others, he had only to state that they were collected, and ready for printing, at the time they were moved for, and were, of course, instantly laid before the house.

Mr. Fox thought, that if the papers for the defence were produced, and the matter kept back, the matter should be necessary.

Mr. Hiley Addington said, that those with respect to Oude, were sent to Surat, amounting to 5 or 6 folio manuscript books, though they were left ready to be sent to the Board of Controul, yet a copy was sent to Surat necessarily, consistent with the conclusion of board in examining the papers from the train whether they could move to the affair laid before the house, during the same.

Lord Castlereagh said, of the Troops doing close of the last year, of Surat, with were moved for, the general guards, &c. ness, on the part of the treaty."

forward; but he protested against it was implied, productions without any course of being assigned, declared, incommensurate to his noble friend the mar- difference, he courted the enquiry. In that, the papers were moved, the purpose of fishing then, against his noble friend. He left, that the papers should be brought forward, and that the conduct of Wellesley's conduct should be in- ded, indeed, he conceived, that it was doing no more than justice to a noble lord. With regard to Surat, he would state how that place was particularly circumstanced. Previous to 1753, the nabobship of Surat had been, for many years, in the possession of one family. In 1753, a treaty was made with the then nabob, by which the castle and fleet of Surat were put into the possession of the English; and in 1800, the marquis Wellesley entered into a treaty with the nabob, by which the latter was allowed greater privileges, and a greater extent of territory, than he had had for a considerable time before, together with a yearly stipend of a lac of rupees. The conduct of the marquis with respect to Surat would be found irreproachable. He then read as part of his speech, the

sir, if I think the court of think the court for the very se the nabob of the present m from saying, that if the a noble lord for, and wisbe to pursue his enquiry; regard for himself, he was to put his motions in h Mr. Hiley Addington observed, was said by him or his noble they did not mean to oppose the of the papers, it was not to be unde they meant more than such papi proper to be laid before the h then adverted to the transaction ing Surat, and concluded by in house, that when these papers duced, it would be necessary to ward a great many more, the which would take up much time

Lord Folkestone thought then cient ground laid for the moti appeared from the statement of lord, that the noble marquis something to this prince. If he so gratuitously, what right had he such a power to himself? If he to the prince of Surat, he must it from some person else.

Sir Theophilus Metcalfe rose, As the noble lord and my right have correctly stated the relative between the company and the nab it will not be necessary to go on ground: I will therefore confine pointing out how far the subject gent.'s charge against the nob is connected with Guickwar; it may be necessary to state, for mation of those gentlemen who ther time nor inclination to look subjects, that the Guickwar is Mahratta chiefs who hold a par rat as a tributary to the Peishwa general Goddard, who command gal detachment on the western si conquered a part of Guzzerat; Fatty Sing, the head of the Guic in possession of the country, de independent of the Poonah Dur Anderson was sent, in 1781, to peace with the Mahrattas, and some difficulty with the Madaj about the independence of Smug; but at last settle country, and he by gen. G guickwar, the 8th article of of Sulwa, and only to the p

quit-rent. On the death of Fatty Sing, two brothers started as competitors; and on that occasion, Sir John Shore contended that the company had a right to interfere, and were bound to support the Guickwar, in consequence of the treaty of Sulbey. Gov. Duncan in 1800, having obtained from the nabob of Surat the sovereignty of that city for the India company, applied to the Guickwar to relinquish his claim of choute or tribute, and grant to the company 10 or 12 miles of territory round the city of Surat (to prevent the disputes which had frequently occurred from contending parties); and which Govindkow readily consented to, with warm professions for the English, and made no other terms for the cession than to request he might have a hundred Bombaysepoys as an honorary body guard. When this cession was made, it was thought prudent not to take possession of the country, as it might start a difficulty in the negotiation then carrying on at Poonah by the governor-general. Govindkow dying, the eldest son took possession of the musnud. He was soon dethroned by his brother; who in a short time was displaced by the officers of the father, and the eldest son again appointed to the succession, with a minister to manage the affairs of the Guzerat. At this period both parties courted the British power, and a voluntary offer was made to the Bombay government, to confirm the cession of territory and the relinquishment of choute which had been formerly made by the father. The consequence of these proceedings is, that the city of Surat, which contains upwards of 800,000 inhabitants, and had for many years been in a state of constant broils and disturbance, from the city being under the government of four parties, the Nabob, the English, the Peishwa, and the Guickwar, is now placed entirely under the servants of the India company, who preserve internal tranquillity, and the city is increasing fast in riches and population.—Now, sir, I beg leave to ask the house, whether in these transactions the slightest blame can be cast on the governor-general, who had little more to do than to approve or disapprove the measures of the Bombay government? What has been stated by the noble lord is perfectly true, that for upwards of 50 years the company have invariably interfered in the appointments of all the nabobs of Surat; and the nabob set up in 1790, sat on the musnud for 10 years, without any approval from the mo-

gul, and held his power entirely under authority of the Bombay government; I can venture to assure the house, that they peruse all the records of the India house, that they will not find any man that can throw more light upon the subject of Surat, than the members present now in possession of. The hon. gent. stands forward as the accuser of lord Wellesley, has now laid two charges upon him, namely the business of Bhurtpore of Surat; the house will judge how far he deserves the name of charges. What I complain of is, the extraordinary mode of proceeding in this attack. The hon. gent. no sooner seated, than he gave notice of his intention to accuse the late governor-general of certain offences, and moved papers respecting Oude; but, passing thereby, he calls for papers of finance, to prove the company had violated an act of parliament. Finding this ground not tenable he returns again to the marquis, in the manner the house has lately witnessed. The greatest enemy of lord Wellesley will admit his government was marked by many instances of zeal, energy, talent, and ability which never were excelled in that part of the world, and I fear never will be equalled. To this I must add, that the breath of scandal never tainted his character with the slightest suspicion against the most corrupt honour and integrity. It is a fact known to all India, that he quitted the government with as clean hands as he took possession of it. Hard, very hard, is upon such a character, after having for 67 years executed the arduous duties of the most consequential office a subject can be placed in, to the best of his judgment with no other object in view than what conceived would eventually turn out to the benefit of his employers, to the advantage of his country, and finally lead to permanent peace and tranquillity of India; to find himself assailed on his arrival with such charges as have this day been dwelt on by the hon. member! Let not the house conclude, from what they have heard that no enquiry has been made into the conduct of the late governor-general. The board of commissioners, and the court directors, have not been neglectful of their part of their duty. Every transaction of the government-general has been minutely scrutinized and investigated. If the noble lord who was lately at the head of the board was in his place, I should with confidence appeal to him, whether in the course of

sion of a treaty with the
—2. Copies of the original
of treaties forwarded to
hon. J. Duncan, and
be entered into by the
with the instructions to
into effect.—3. Copies of
the company of directors,
1800.—4. Copy of the
between the government and the
chief or resident, and of the
assumption of the
outlet of commerce, and
of looking to the
but the
but supposing
his
to the
it is likely that the
will follow their
to look over
for further pro-
in that case, an enquiry
weight of cir-
to them, and under
and in
will not be a
they may think
to parliament. With
of the papers
I shall only say, that they ought
to be carefully examined before they are
presented to the public eye.

Mr. Huddleston said in explana-
tion, that a considerable portion of the
contents of the papers, if the motion should
be carried, ought to be withheld, and sug-
gested the expediency of giving the board of
control a discretionary power to that effect.

Mr. Huddleston said he felt disposed to give
credit to marquis Wellesley for the
energy with which he had conducted his
local administration; but he could not
help feeling one, and the impression was
strengthened by the grounds upon which the
production of papers was opposed, that
there was such a presumption of delinquency
on his part as would justify him in voting
for the motion.

Mr. Secretary Fox thought himself called
on to mention in a few words what had fallen
from the noble baronet. If the hon. baronet
meant that he had come into office
without any improper desire to serve either
one or other party, he was correct. If he
were called on to state, taking the system
purported by the two noble marquises, Wel-
lesley and Cornwallis, as general principles,
which of the two he liked best? he should
say, the latter, as being most agreeable to
the principles laid down by this house, and

to the credit and benefit of
the company. If again he
expressed his opinion of the delin-
quency of marquis Wellesley, he should
say, He had not yet formed
an opinion, this was not the time
to do so. When the time came, he
would say as the case seemed to require.
The secretary defied any one
to say that he had either in or out of
either directly or indirectly, giv-
ing any aid or encouragement to the
hon. gent. (Mr. Huddleston) in his present endeavor
to obtain a parliamentary enquiry
some share of blame to himself
of late years, paid too little
to India affairs. With regard to
tending to crimination, he thou-
gh, speaking, better for the
abstain from interfering, and
task to other members of the
thought such questions were be-
when no weight was lent to the
except what it derived from the
who preferred it, and from the
truth.

Mr. Huddleston, after what
from an hon. baronet in the
debate, thought it proper to sit
in court of directors of the East-
India company had no objection to the pro-
duction of any papers that might be thought
to be an enquiry into the late pro-
ceedings in India, and that they did not ap-
prehend any ill consequences from the pro-
duction of the papers moved for. He
said to say this, lest it should be said
that what had been so strongly
expressed by the hon. baronet, respecting
marquis Wellesley, were the sentiments of
the directors with respect to the administra-
tion of a nobleman.

Sir T. Metcalfe said, he had
liveried his opinion in the house
of directors of the East-India company
exercising his judgment as a private
member of parliament.

Mr. Robert Thornton said, in
the manner in which the hon. baronet
expressed himself, he might well
be delivering a more extensive
than his own. He had, however,
alone in the court of directors
of marquis Wellesley, when
the directors disapproved, as
extremely detrimental to the
company. The circumstance
of the court having been obliged to
repeal the noble marquis, to rem-

nous measures of his predecessor, was a sufficient circumstance to prove the necessity of an enquiry. There were several papers connected with the late Indian administration, which ought to be before the house, and which the East-India company would be very happy to see investigated; particularly one, to which he could not at present give a proper title, but it was expressive of the opinion of the court of directors on the government of India. It was intended to have sent out this paper to which he alluded, but its transmission had been prevented by high authority. After the suspicions which were abroad, the house was bound to look the thing in the face, and the country required it.

Mr. *Paull* replied at considerable length to the different speakers, and called loudly on the house to notice the protection extended to save lord Wellesley by a part of the administration, (he alluded principally to lord Temple and Mr. H. Addington). He hoped, he said, the house would notice it, the public he was sure would, and the manner he had been deserted by those, who had taken a part formerly to bring this nobleman to justice. But his principal reply was directed to the hon. bart. (sir T. Metcalfe) who had advised him (Mr. *Paull*) to abandon the prosecution. He stated that not only would he proceed, but that it was known to the right hon. secretary (Mr. Fox) that he had still two charges to prefer, of a most serious nature, against lord Wellesley for the seizure of Forrukabad, and for profuse, wasteful, unauthorized expenditure of the revenues committed to his charge, and for applying to his own use large sums of the public money, contrary to the act of parliament limiting the allowances of the governor-general to 25,000*l.* per annum, and to the use of the houses of the company abroad. That the single article of "Durbar charges" in the time of extreme distress for money, and all the departments of the service in arrear, exceeded by 100,000*l.* per annum, the most profuse expenditure of any of his predecessors. That the sum squandered away unnecessarily would be found on investigation to exceed two millions of pounds sterling. The hon. gent. concluded by saying, that he had hoped many generous minds would have been found, to have shared with him the toils of bringing to justice this nobleman, so highly protected, and that he did not yet despair, after seeing what two dictated this evening. However,

if left with but one voice more in the house, he would record on the journals of parliament his sense of the conduct of marquis Wellesley; and posterity would see the charges, and enquire into the causes that had prevented his being brought to punishment.

Mr. *Wellesley Pole*. Does the hon. gent. mean to say, that the noble marquis has misapplied the public money for his own advantage?

Mr. *Paull*. I mean to say that he expended large sums of money, contrary to the act of parliament, for his own convenience, his own show, and splendour.

Mr. *W. Pole* felt it necessary to ask the hon. gent. again, whether he meant to state that the noble marquis had diverted the public money to his own private purposes and advantage?

Mr. *Paull* repeated, that his charge was, that the public money was expended for purposes of convenience, splendour, and show.

Mr. *W. Pole*. Does the hon. gent. mean to bring forward a charge of peculation? He has stated his intention of making a new charge, and I expect a distinct explanation. This is the first time that the breath of calumny has dared so to accuse marquis Wellesley.

Mr. *Paull* did not mean to accuse the noble marquis of peculation, but repeated his charge, that he had applied the public money for his own convenience, splendour, and show.

Mr. *W. Pole*. I must understand, then, that the hon. gent. means to say, that the noble marquis has misapplied the public money for public purposes. I can easily conceive that he may mean to say, that too much money has been expended on the palace of Calcutta, or that the guard had been unnecessarily increased; but I still wish to know, whether he means to say that marquis Wellesley has used the public money for his own private advantage? The house will feel the justice of my request of a distinct answer to this question.

Mr. *Paull*. I mean distinctly to charge marquis Wellesley with wasteful, profuse, unauthorized, extravagant expenditure of the public money, and with misapplication of the same to purposes contrary to law.

The *Speaker* then put the question on the several motions, for the production of papers, as made by the hon. mover in the early stage of the debate; when

Mr. *H. Addington* proposed as an amendment, that the words, "so far as these va-

rious documents may be disclosed, without prejudice to the public service," might be added to the original motion.

Mr. *Paull* thought the object of this amendment, by withholding what the right hon. gent. might chuse to consider state secrets, would be a great impediment to obtaining necessary information.

Mr. *Wilberforce* said, he felt jealous of the system of secrecy which was creeping into practice; he hoped this amendment would not be considered as a precedent, as there was no calculating upon the extent of the mischief that might arise from the practice of adding amendments of this kind.

Mr. *H. Addington* replied, that what it was wished to withhold, merely related to certain papers respecting the Indian coast, not relevant to the point intended to be elucidated.—The question as amended was then put and carried.

HOUSE OF LORDS.

Tuesday, March 18.

[MINUTES.] Lord Collingwood's Annuity bill was read a third time and passed.—Mr. Alexander brought up the American Treaty bill, the Wool Exportation bill, the English and Irish Militia bill, the Militia Subaltern's bill, the Militia Adjutant's bill; which were severally read a first time.

[WITNESSES' DECLARATORY BILL.] On the third reading of the Declaratory bill, earl Stanhope moved to leave out the proviso which had been added to the bill by lord Eldon.

Lord *Ellenborough* said, he had framed a clause which he intended to propose as a substitute for the proviso, and which he thought would answer every purpose intended to be provided for by the noble and learned lord (Eldon), whilst at the same time it would obviate the objections made to the proviso by other noble lords. Instead of referring generally to the practice of courts of equity, which had been objected to as not being consonant with the practice of courts of common law, he proposed to state specifically the exceptions to the general rule laid down in the bill. In the clause he had drawn up he proposed to enact, that no mortgagee, or *bonâ fide* purchaser, or possessor of an estate should be compelled to answer any question, the answering which might probably tend to defeat his title, or incur a forfeiture of his estate. He meant, of course, a civil forfeiture; as in the case of a widow, who on marrying again forfeited property, she

should not be compelled to answer as to the fact of her marriage a question from lord Holland, who borough replied, that he proposed to substitute his clause for the whole proviso which had been added to the bill, on the part of the noble and learned lord (Eldon).

The Lord Chancellor expressed his approbation of the clause, which would answer every purpose in the proviso.—The further consideration of the bill was then postponed till to-morrow, to give time for the engrossment of

HOUSE OF COMMONS

Tuesday, March 18.

[MINUTES.] Mr. Stedman Stamp Office, presented an account of arrears and balances in the hands of the distributors on the 10th of October 1805, also on the 5th of Jan. 1806.—Mr. Lefevre presented a petition from the governors of St. Luke's Hospital, praying for a surcharge which had been added upon them for servants who were indispensably necessary to the poor hospital; and also, that the cost to whom they appealed had covered said surcharge. The petitioners prayed for the interposition of the House. When the petition was read, Mr. Lefevre stated, that if the bill was not taken up by government to-morrow, he would take occasion to propose that the petitioners and other charitable institutions should be exempted from the operation of the Poor Tax. The propriety of such a petition was, he thought, forcibly illustrated by the case stated in this petition. Mr. Addington gave notice of a motion to-morrow, relative to some orders in books for the production of documents relative to India. The motion he described to be that the House who immediately presided over the affairs of India should be invested with discretionary power, as in other cases, to hold any of the documents, the production of which might appear to be against the public service.

[DUBLIN PAVING BILL.] Mr. Wynne brought in a bill to amend the law made in the last session, for empowering commissioners to enquire and report on any irregularities and abuses which might have taken place in conducting the paving, cleansing, and lighting of the streets of Dublin, and for giving effect to several provisions relating thereto.

suspend proceedings in certain actions or suits under the said act. Upon the motion for the first reading,

Mr. *Alexander* took occasion to animadvert upon the conduct of lord Hardwicke towards the late Paving Board of Dublin, which was composed of respectable persons, but whose character had suffered much in public estimation in consequence of the measures taken by lord Hardwicke for the suspension of their powers. From this suspension an idea had gone abroad that they had been guilty of some malversation.

Mr. *W. Wynne* said, that lord Hardwicke had thought it his duty to institute an enquiry upon the subject referred to by the hon. member. The proceedings of the commission of enquiry would be speedily printed, and when laid before parliament would speak for itself. Lord Hardwicke had, pursuant to the act, granted the sum allowed to other commissioners, while the paving corporation was subject to enquiry in order that the streets of Dublin should be kept in proper repair.

Mr. *Long* did not conceive the case of the paving corporation at all prejudged or prejudiced by the course which lord Hardwicke had taken; that course struck him to be extremely proper.

Lord *De Blaquiere* vindicated the conduct and character of the paving corporation, of which he described himself to be a member, and desired that any charge which could be alleged against them might be immediately brought forward.

Mr. *Ormsby* thought a slur was cast upon the character of the paving board, by the conduct of lord Hardwicke.—After some further remarks, the bill was read a first time.

HOUSE OF LORDS.

Wednesday, March 19.

[WOOLLEN MANUFACTURERS' BILL.]

The house resolved itself into a committee on the Woollen Manufacturers' Suspension bill. Mr. *Adam*, the counsel, was proceeding on behalf of certain clothiers in the counties of York, Gloucester, and Somerset, who had petitioned respecting certain parts of the bill; when he was stopped by the committee; and counsel being ordered to withdraw, earl *Spencer* expressed his opinion that the petitioners were not entitled to be heard on the grounds stated in their petition, the principle of the bill being merely to con-

tinue, for a further period, the Suspension act of last session. Lord *Ellenborough* was of the same opinion. Earl *Fitzwilliam* took the opportunity of stating, that he consented to the bill only on the ground of a general law on the subject being under consideration. The bill was proceeded in, passed through the committee, and was reported without amendment. Lord *Auckland* then presented another petition against the bill, from certain clothiers in Yorkshire; to which lord *Ellenborough* took an objection as to a point of form. Lord *Holland* and earl *Spencer* thought it would be dealing hardly with the petitioners if they were not allowed to be heard by counsel against the bill, merely on account of a trifling informality. It was at length agreed that counsel should be heard for and against the bill, on the 3d reading tomorrow.

[WITNESSES' DECLARATORY BILL.]
On the further consideration of the Declaratory bill,

Lord *Ellenborough*, after adverting to the clause which he had yesterday stated his intention of proposing to substitute for the proviso added to the bill on the motion of lord *Eldon*, said, that he had been unable to frame the clause so as to satisfy his own mind. He therefore thought it would be the best way to omit the proviso altogether, and leave the bill simply declaratory, as originally proposed by his noble and learned friend on the woolsack, leaving it to the house of commons to add any clause which they might deem advisable.

The Lord *Chancellor* said, he had originally concurred in the proviso proposed by his noble and learned friend (lord *Eldon*), in deference to the opinion of that noble and learned lord, and because he thought that the proviso could do no harm. It was his opinion, however, that if the bill passed as a simple declaratory bill, the law would stand thus; that if a witness objected that answering any question stated would render him liable to a civil action, such a naked and general demurrer would immediately be over-ruled; but if out of the particular situation of the witness, or the circumstances of the case, there should arise any special ground of objection, it would still be in the power of the judge to decide upon such special objection according to the law as it should appear to him, he not being compelled by this declaratory law to over-rule such objection in the first instance.

Earl Stanhope contended, that if the bill was passed as a simple declaratory bill, without any proviso, it would declare that to be law which had not been acknowledged to be law by any of the judges, or by any noble and learned lord in that house.—It was then agreed to omit the whole of the proviso, and leave the bill as it originally stood, merely declaratory of the laws. The bill thus amended, was read a 3d time, passed, and ordered to be sent to the commons.

HOUSE OF COMMONS.

Wednesday, March 19.

[MINUTES.] A new Writ was ordered for the county of Kilkenny, in the room of the right hon. W. Brabazon Ponsonby, now lord Ponsonby.—Mr. Bond, took the oaths and his seat.—The Scotch Creditors' bill was read a 3d time and passed.—The Customs Expiring Laws bill, the Excise Expiring Laws bill, and the Felons' Transportation bill, were severally read a 2d time.—Mr. Vansittart moved, that there be laid before the house an estimate of the sum wanted to discharge the interest of the Exchequer bills that might be paid off in the course of the year 1806.—The 10,500,000*l.* Exchequer Bills bill was read a first time.—Mr. Williams, from the Commissioners of Naval Enquiry, presented an Account of the Expences incurred by that Board for each year, since the period of its institution.

[*IRISH MILITIA SERVICE BILL.*] Mr. Alexander brought up the report of the Irish Militia Service bill, which was read; and the question being put that the said report be agreed to,

Mr. Lee observed, that he had not been present on a preceding day, when an hon. member (Mr. Keene) had delivered his sentiments at large on the object of this bill. He entirely concurred however with that hon. member in thinking that nothing could be more advantageous to both countries than an interchange of their respective Militias. He disapproved however of the manner in which this object had been effected for three years past. This bill seemed now to be considered as an annual measure; it had been introduced immediately after the union; it had been passed as a measure of course last year, and was now passing the house in the same manner. But instead of this bill being regarded as an annual measure, he wished to see its object carried into effect on the ground of the

union of the two countries. union the Militia of the one co to be that of the other. To p tia on this footing in the three doms, would, he conceived, be vantage of all the kingdoms, render their union more compl he did not like the idea of as do what it really was their duty pendent of any measure o The inconveniences arising fr ceeding must be strongly felt, defence of either of the coun the immediate service of the M other. It would then be a ve to call men to deliberate w would extend their services o the existence of the country n on the rapidity of their movem the manner, he admitted, in w litia was now raised, such a considered, might be necessary were attested only to serve i countries; but it was for this that he most earnestly wishe subject undergo a radical dis such arrangements made as n necessary to attest the men f any part of the united kingdo gin of the present practice he taken its rise from the circum Militia having been raised in k and not either in Scotland or since the two countries were equal footing in that respect, was not only no longer necessa ly improper, as tending to p tinctious that were hostile to and complete union of the t So much was he convinced o these observations, that should mministers, in the military pla on the eve of laying before th make any satisfactory arra this subject, he should cert his duty to bring the question fore the house. He hoped, l a subject so important wouk their notice, and for that re saying more at present, only his assent to the bill as a tes sure, which ought as soon e be superseded by some fixe nent principle.

General Tarleton was of any discussion on this subj sent premature. The late glorious victory of Trafalga to all apprehensions of inva

this point of view there was no room for those embarrassments the hon. member had alluded to. The discussion was also premature in another respect, as those plans were not yet before the house which were expected from ministers on the military defence of the country, and it would be highly improper, he thought, to embarrass their proceedings, or anticipate their views on this subject. When those plans shall have been submitted, it will then be time to point out their defects, and to provide such remedies as their deficiencies may require.

Lord Folkestone was not aware that such a bill was before the house, till the hon. gent. got up to speak on the subject. He perfectly concurred with him, however, that such a bill ought not to be brought annually before the house. If it was a proper measure, it ought to be rendered permanent and embodied in the constitution of the militia. But whether at the same time, he should agree with the propriety of the measure at all, was a question that would remain for him to determine when the subject should come more formally before the house.

Lord Castlereagh, in reply to the first speaker on this question, respecting the great disproportion in numbers between the Irish and English Militia, stated, that it had been considered as a matter of policy by his majesty's late government to have the militia establishment in Ireland as high as possible, as it did not at all interfere with the recruiting of the regular army, the bounty of three guineas, which was that given by the Militia, bearing no proportion to ten and twelve guineas, which was the bounty offered by the regulars. His lordship observed further, that the vacancies that took place in the Irish Militia from recruiting into the line were easily filled up, and at a very small expence, as the colonels of those corps had only to receive a compensation of three guineas, which was the bounty for a new man. This circumstance contributed to keep the Irish establishment so very numerous, and at the same time was one of the readiest means of recruiting when necessary the disposable and regular force of the country. For this reason he should be glad if a similar system were adopted by his majesty's new government in the arrangements they were about to submit to the house.

Mr. Vansittart said, as the whole of the military system of the country was soon to

be brought forward in one connected view it would be much better to have any arrangements that might be thought necessary on this subject included in that general view, than to have it discussed in a detached form. The bill, however, was intended for immediate application, and would not at all interfere with any future arrangements.—The report was then agreed to, and the bill ordered to be read a 2^d time to-morrow.

[AFFAIRS OF INDIA.] Mr. Hiley Addington, pursuant to his notice of yesterday rose to make his promised motion respecting the papers that had been lately ordered to be laid before the house, relative to the Rajah of Bhurtpore. It was not his intention to affect in any degree the general nature of that order, or to move for anything new on the subject. The object of his motion was merely of a verbal nature and originated, as he conceived, in an omission in the terms of the motion by which the papers had been ordered to be produced. On the general principle that nothing should be laid before the house that might prove prejudicial to the public service and interests; he wished to introduce a restriction to this effect in the said order, as parts of those papers might be highly improper to be made public. He did not at the same time make this proposition from any certain conviction that there was any thing improper in those papers, though he had a general impression that it might be so; not having perused them so as to ascertain this circumstance. The right hon. member, without apprehending any opposition, rested chiefly on the ground of his motion being not unprecedented; for which purpose, he quoted the terms of the motion made for papers respecting India, also in June 1805, by hon. gent. (Mr. Francis) now in his place. The order for the production of the papers relative to the Rajah of Bhurtpore, having been therefore read, he moved "that the said order may only extend to such parts of the said papers, as may be disclosed without prejudice to the public service. On the question being put,

Mr. Francis rose and said: Mr. Speaker I flatter myself that the part, which I have myself bound to take with regard to the present motion, will not be attributed to the right hon. gent. to personal disrespect or to any doubt about the purity of his intentions. I can assure him that my opposition to it is founded on a very differ-

principle. This declaration is sincere, and ought to be unnecessary. By yielding to make it, I cannot but feel that I submit to some sort of degradation. It looks like an apology, which no man ought to make, for doing any duty incident to his station, and still more to the trust that belongs to it. Such however is the prevailing fashion of these feeble times. I comply with it now, but I protest against it. The best of us, I fear, have enough to ask pardon for, without requesting to be forgiven for any virtue we have left. But, even in that sense, the solicitation fails. He, who confesses in any form that he has no confidence in himself, will never obtain the confidence of others, and least of all by phrases and protestations. An order was made, on the 11th of this month (see p. 401) for the production of papers relative to the Rajah of Bhurtpore, a person whose country, if he has any, is in the heart of the peninsula of India, and whose name was never heard of in England until we were informed, by a multitude of private letters from lord Lake's head quarters and from Calcutta, that the commander in chief had laid siege to Bhurtpore, had made five attempts successively to carry the place by storm or assault, had been as often repulsed with an immense slaughter of our troops, particularly of the Europeans, and had at last concluded an accommodation with the Rajah on worse terms, than he might have obtained in the first instance, without a siege, without the loss of one drop of blood, or injury to the honour of the British arms in the eyes of the natives. These are the facts, into which I understand that some enquiry is to be made or proposed hereafter. That question is not before us now. Of course I shall not meddle with it. The object, to which I shall endeavour to draw your attention, is of far other extent and importance, than any thing that concerns the production of these papers. It is the dangerous practice, which has, in fact, prevailed within these two years only, without due consideration, or even notice, but which, if now confirmed upon debate, will be established as a precedent for ever. I mean, sir, the discretion left with the king's ministers, to produce or withhold any part of the papers ordered by this house, or in effect to comply with the order, or to defeat or elude the intention of the house, just as they think fit, or in whatever degree it may suit their own purposes to evade it. No reasonable man, I think, can suspect me of

applying so extensive an imputation to a purpose so criminal a purpose as the motion immediately before the case of the Rajah of Bhurtpore, too inconsiderable, and connected with any personal interest, to warrant a suspicion that the controul has an intention or design to hold any of the papers, relative to the Rajah, which were ordered a. Neither do I believe that the person whose conduct is in question of his friends, feel much concerned with the present motion, or that they care how it is decided. This, sir, is the situation, in which I should argue the question: that is, to dismiss the particular case, and consider nothing but the general principle. All I desire is, that the house should reflect and remember that it is under favourable circumstances oftener in cases, which are the consequence and pass without that dangerous precedents are. They are not instantly regarded, they have no immediate operation, the remote consequences are remote. But they thrive in silence and neglect, while they appear to be. Bad examples are prolific. They multiply, and never fail to bear fruit in due season. Bad men follow to them hereafter and turn them into poses, which they, who originate the example or set the precedent, never of.—This is an English, not an Indian question. The fundamental privileges of this house, and the rights and privileges of the crown of this united kingdom are involved. The right hon. gent. proposes that the already made shall extend to only of the papers in question disclosed without prejudice to service; and this clause or order says, has been attached to every Indian papers, that has been presented or in the last session of It is true. The practice I believe with me, and very much against the session of 1804, though I weigh the consequences of it as I ought to have done. I yielded, but not without remonstrance, which I ought to have. The noble lord (Castlereagh), in his excessive instance, assured me that he would not consent to any motion for

pers, without the addition of this clause. So I submitted to his power against my judgement; because otherwise none of the papers I moved for would have been granted. Since that, the practice has prevailed and gained ground; and, if it be not effectually resisted now, will never be disputed hereafter. A discretion to judge of the extent of the obedience due to an order of this house is said to be necessary to be lodged somewhere out of the house, for fear of prejudice to the public service. By whom is this discretionary power contended for? By the ministers of the crown. In whose hands is it to be vested? In the same ministers. And who is to judge, or indeed who can possibly know, whether the discretion, so claimed, be really and *bond fide* governed, in its application and exercise, by its own pretended principle? Are there no other purposes, to which such a power may be applied? What check have you over it? In what form is discretion to be controuled? By what evidence can it be convicted of a criminal abuse? The circumstances must be flagrant indeed, in which a guilty intention can be brought home to any man, whom you leave to his judgment, and who says he has acted to the best of it. No reasonable man would deny, nor in fact was it ever disputed, that cases are possible, in which a general order may include some particular papers, or passages, which, for the public service, ought not to be disclosed. But are the same ministers, who are to execute the order, the proper persons to be consulted, in the first instance, how far they ought to obey it? Is it to be left to them to frame the order upon themselves with such qualifications perhaps, as may enable them to defeat the intention of the house, to suppress the most material evidence, and make it impossible to convict the most notorious offender, while the very persons, who do all this, are sheltered and screened from detection, by their own exceptions grafted on an order, which they ought to obey without reserve? The true parliamentary principle, and which in fact has governed the practice of the house of commons until very lately, was stated to you last night by one of the most virtuous and respectable members that this house possesses; I mean the hon. representative of Yorkshire, whom I am sorry not to see in his place. He said that the course to be observed in the suppo-ed case, as it always had been, was, not to trust ministers with the previous right of selection; but to

oblige them to come to parliament and state the fact; if they thought that any papers, included in the general order, contained matter of information, which the house itself would not think it right to divulge. Undoubtedly, sir, such cases of necessity require confidence in the executive government. There must be a discretion confided somewhere; and, if the house of commons does not think this of that ministry fit to be trusted with it, they ought not to suffer such persons to be ministers. A reasonable and necessary confidence would not be withheld. On this side there is no danger. But let it never be forgotten that jealousy of ministers is a prevailing and almost a fundamental principle of the house of commons, and that confidence in them is, in almost every instance, nothing more than a specific exception to the principle. This general reasoning, in my opinion, is strong in itself, and irresistible on its own mere principle. If any man thinks it wants illustration, let him apply it to the case of an impeachment. But first let him call to mind what an impeachment is, in its true parliamentary sense. I say that the capacity of this house to impeach any man, whom they think guilty of high crimes and misdemeanours is the right hand of the house of commons and the most powerful weapon placed in that hand by the constitution of this kingdom, for the defence of all our own rights and privileges in the first instance, and ultimately for the protection of the people. In the ancient parliamentary language of this house, I say that "an impeachment is "virtually the voice of every particular subject of this kingdom, crying out against "an oppression, by which every member of "that body is equally wounded.*" We cannot abdicate this right even for ourselves, without ceasing to be a house of commons; much less can we abandon the duties attached to the right, without breaching of trust to our constituents and to all the commons of the kingdom. Now, sir, of what avail is it to impeach, if the evidence can be withheld from us, or garbled or selected for us? and that perhaps by the very persons, who are the objects of the prosecution, or by others intimately connected with them in relation, in friendship or by office, perhaps by their associates and possibly by their accomplices? These are some only of the consequences, to which

* See Journals of the House of Commons, 26th May 1679.

the present motion, if it should now be made a precedent, is liable. If, with the conviction I feel on the whole of the question, I did not oppose it to the utmost of my power, I should deserve to pass for one of the meanest and basest of mankind, and I should know that I deserved it. I therefore declare that I shall take the sense of the house on the question, if the right hon. gent. should persist in pressing it. Nay, I shall not stop there. If the question should be carried, I will take the earliest opportunity, and the most effectual course I can, to bring it again under the consideration of the house.

Mr. *Hiley Addington* said, he had considered his motion so much a matter of course, that if he had in his contemplation any possible objection to it, he should have intruded on the house by stating the grounds on which he made it. It was not the present Board of Controul that made the precedent. They found it, and in a motion made by the hon. gent. himself last session. The hon. member had done him the justice to allow that he had no improper motive in making this motion. He thanked him for his good opinion, and hoped, that on this occasion he had acted under the influence of no improper bias. But even supposing this were the case, and that from attachment to the noble marquis he should be anxious to keep back any information from the house, could he be supposed possessed of that influence necessary to succeed in such a hopeless attempt? Could he be supposed to have influence enough with all the members of the board, to be able to keep back evidence, from such motives and on so flimsy a pretext? The conduct of the board, in the whole of this business, had shewn their sentiments to be very different. They had not refused a single paper that had been asked. But, however willing the board might be to withhold any information on the grounds alledged, was it in their power to do so without incurring disgrace? Were there not members in that house sufficiently acquainted with those documents, to know whether any of them were withheld? Would the directors permit any such connivance on the part of the board, without making such remonstrances as would expose the motives of their conduct? Such a discretionary power, he thought, might with safety be invested in the board. Their responsibility was a pledge to the house, that such discretionary power was not likely

to be abused; and it was a precedent always been given.

Lord *Folkestone* by no means the right hon. member who forward this motion, that discretionary power could be lodged in the hands of any board. He be invested with this power, make any use of it they please, same time not be responsible. He consider precedent as a good favour of this measure. Should we were not to be followed, for if itself was bad, it could not be any precedent, and to adopt only adding another precedent measure. The discretionary would allow to reside in his ministers, but he would by no means such a power to any board where even this discretionary power was only given to ministers in terms; they were not invested with such powers, but were entrusted to the house and state their production of any particular part of a paper on public the house relying on their being were entitled to sustain them, but such an extended discretion as was proposed by this motion without any controul, even if would be extremely dangerous if granted to them, how could it be with propriety to grant it whatever? The fair and right thought, for gentlemen to take occasion, was, after perusing and finding some parts of the not to be laid before the house down and avow it, and receive on their responsibility, to w The argument the right hon. used in favour of his motion against it than for it; for perused the papers, how could that they contained any thing proper to be laid before the house he avowed his ignorance of its stance, nothing could be more than so extended a discretion. He hoped the hon. gent. who the motion would persevere in to take the sense of the house on it.

Mr. *Francis* said, in explaining his motion of June 1805, he introduced no such discretionary power, but it had been introduced by others, and

induced to accede to it, or otherwise lose the object of his motion. He did not, therefore, the less condemn the practice.

Mr. Secretary Fox found himself involved in some difficulty on this occasion. The precedent had been established last year. If a question had been started upon it then, or if it was a new question now, he could have no difficulty in saying, that he should prefer adhering to the old practice of leaving ministers on such occasions, to act on their general responsibility. He admitted that there were two ways in which a discretionary power might be given to ministers: the first was, as a noble lord opposite (lord Folkestone) had very justly stated, when ministers came down to the house, and representing in general terms the prejudice it would be to the public service to communicate more particular information on any subject, they were permitted on their responsibility to withhold this information. The other, which perhaps was the more recent way of the two, was restricting any order of the house for information, in such terms as beforehand admitted the ministers to withhold it at discretion, without assigning any reason, or taking notice of the particular article, such matters as they might judge expedient. At the same time, he should observe, that there was no such material difference between the ordinary discretion exercised by ministers, when called on to produce papers, and that contained by the present motion. The orders of the house were generally for copies or extracts of the papers called for. Who were to give these extracts, but the ministers who exercised their discretion in withholding such parts, the discovery of which might be injurious to the public service? Here, however, the papers were not in one or two confidential hands alone, but in those of a variety of persons who would quickly discover if the discretion demanded was abused. The agreeing to the motion therefore, in this case, was not a consideration of great importance, or rather it was one of no importance at all. As he had already said, if this were a new question, he should incline to object to the motion; but considering that similar additions had been made to all the orders on this subject, not only during last session, but two nights ago, in the case of Surat, without being seriously objected to, he would rather recommend to his hon. friend (Mr. Francis) to withdraw his opposition, he (Mr. Fox) saying that if a new case should occur, in which

the objection was made, he should support it. The responsibility, he thought, would not be very different, with or without the words. He had seen cases in which papers had been produced at the discretion of those in whose hands they were, the production of which, if by motion in the house, he should have opposed. He rather thought in this case, where so large a production was called to be made, the discretion might be allowed.

Mr. *Banks* thought it incumbent on the house to put an end as soon as possible to bad precedents, as well as to avoid creating any. Should the present question be carried, it would strengthen the former precedents, and render them still more dangerous. They were not to regard it as relative to India only, but as applicable to any other case that might come before the house. He was a little surprized at the manner in which the right hon. secretary of state had just expressed himself: he had owned that he supported it only because there was a precedent for it, and that if there were a new question he would reject it. Such a precedent should, therefore, be done away as soon as possible. The hon. gentleman suggested the propriety of withdrawing the motion till his right hon. friend should have an opportunity of examining the papers; and if he should find any part that could not be safely produced, he pledged himself to support his motion upon the statement of that specific ground.

Lord *H. Petty* concurred with the noble lord who had spoken, that the species of responsibility which he had recommended resulting from an application to the house on the part of ministers, in particular instances, and after assigning their particular reasons, was certainly the best. He agreed with his right hon. friend near him (Mr. Fox), as to the responsibility of ministers, and thought that in this case nothing more was asked than what had been very lately acceded to without any objection. He was convinced his right hon. friend who brought forward the motion, had no view in it but what arose from a salutary caution; but as the house seemed to think the precedent not a good one, he wished for once to revert to the former practice, and would recommend it to his right hon. friend to withdraw his motion.

Lord *Castlereagh* stated the ground upon which he had recommended the insertion of similar words to those then under consideration, in the order of last session, to

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have been founded on a wish to prevent improper papers being produced. The Marhatta papers that had been produced to the house, contained many passages that should not have been made public. The court of directors did not conceive they had any direction when they had received the orders of the house, and therefore laid them in full before it; but this was not a new practice. The same words had, he believed, been inserted in the order for papers on the first Mysore war. He advised the house to consider, before they should reject a motion which was fraught with such convenience to the public service.

Mr. *Bastard* believed the motion had been made from no improper motives. He condemned the precedent on which it was founded, and insisted, that on this principle there could be no use for notices respecting such motions, as no examination would be necessary to ascertain the propriety or impropriety of the production of any papers previously to their being moved for.

Mr. *Wilberforce* felt himself much obliged to the noble lord opposite for the candour with which he had expressed himself, and imputed no blame to the right hon. gent. who had made the motion, but at the same time had no hesitation in opposing it from principle.

Lord *Temple* contended that no responsibility resided in the directors, but only in the board of controul, and that it was with the board the house had to transact any business, or to give any instructions. The question, he thought, in the course of the debate, had grown into an importance that it did not deserve. He had no objections however, that the old mode of responsibility should on this occasion be resorted to, though the motion appeared to him to be as respectful a way of treating the house.

Lord *Morpeth* thought the responsibility of ministers should be whole and entire, and hoped the motion would be withdrawn.

Mr. *H. Addington* said, ever since his noble friend's objection, he wished to withdraw his motion, but seeing many respectable members desirous to deliver their opinions, he had refrained from doing so till they had spoken. He assured the house he had no idea of there being the slightest objection to it, but as there was, he would, with the leave of the house, withdraw it; which was accordingly done.

HOUSE OF LORDS.

Thursday, March 20.

[MINUTES.] The American Treaty bill,

the Mutiny bill, the English Militia bills, the Militia Subalterns bill, the Militia Adjutants bill, parliamentary committees, and were reported on the third reading of the Woollen Manufactures bill, the Penalty Suspension bill, Mr. *M* was heard on behalf of certain Yorkshire, petitioners, against the bill. The object was to induce the house to alter the fixed for the duration of the bill to 6 months, in order that they might have a better chance of some permanent measure relative to the subject being introduced during the present session. On the bill being withdrawn, Lord Auckland expressed his opinion with respect to the bill, which was altered by what had fallen from the counsel. Whether any permanent measure was adopted this session, the duration of the bill for 12 months would have no effect in either case to accelerate that measure. He therefore any reason why the continuance should be altered was then read a 3d time and

HOUSE OF COMMONS.

Thursday, March 2

[MINUTES.] Mr. *Baker* presented a petition from the Debtors Committee. Mr. *Martin* presented a petition from the Maltsters of Tewkesbury. Mr. *Stephens* presented the Petition to the Naval Commissioners. Mr. *Whitbread*.—Sir *M. W.* presented a petition from the Shipbuilders of Newcastle against a bill now in parliament for abolishing the charter of their craft.—On the motion for the 10½ Million Exchequer bill was read a 2d time.—The Service bill was read a 3d time.—The 1½ Million Exchequer bill was read a 2d time.—Mr. *W. Wyke* presented Copies of the Circular Letter from the lords of the Admiralty to the Admirals of the Counties, relative to the Admiralty Act.—On the motion of Mr. *M* that the Dublin Paving bill be read a 3d time, a conversation arose, in which Mr. *De Blaquier*, Mr. *Alexander Ormsby*, opposed the bill, on the ground that it was a job, interfering with the rights of creditors. It was then read a 3d time by Mr. *W. Wynne*, and Mr. *J. Stansfeld*. Ultimately, the 3d reading was ordered for Tuesday.—After a short conversation between Mr. *Dillon* and Dr. *W. W. Dunn*, it was ordered, that the account

been laid before the house in July, 1803, of the resident and non-resident Clergy in Ireland, the different parishes, benefices, churches, glebe, houses erected, and erecting, &c. be reprinted.—On the motion of Mr. Lee, a return was ordered of the number of Common Law Subpœnas, Writs of Habeas, &c. issued by the Court of Exchequer in Ireland, for the last 4 years.—On the motion of Mr. Fitzgerald, an account was ordered of the quantity of spirits distilled in Ireland, and imported into Great Britain, during the years 1801, 2, 3, 4, and 5, together with the amount of the duties for each year.—On the motion of Mr. Rose, accounts were ordered to be laid before the house, of the quantities of Sugar and Coffee imported into this country from Tortola.

[**MILITARY ESTABLISHMENTS.**] General Tarleton wished the right hon. secretary (Mr. Windham) would have the goodness to inform him, whether or not he meant, according to that half notice he had given, to bring forward on Monday next?

Mr. Secretary Windham said, the hon. general was certainly correct in calling it a half notice: he had not given any regular notice, because it was not in his power to pledge himself that he should be prepared to bring it forward by Monday. Notwithstanding the great anxiety which the hon. general and his friends might feel upon the subject, or which might be felt out of doors, he could only say, that it did not appear to him that any inconvenience would result from a little delay. He did not see any necessity for hurrying measures of such vast importance and delicacy, and which required the maturest deliberation. Although the expectation of the hon. general might have been disappointed by this apparent delay, his was not. It appeared to him, that the object of the greatest importance was, to give the fullest consideration to any changes that were to be proposed, before the subject was introduced, and he saw no other inconvenience that could result from the unavoidable delay, than that it would disappoint the curiosity, and the anxious expectation of a number of persons.

General Tarleton mentioned, that considerable anxiety must necessarily be felt on the subject, both by the gentlemen of the army and the volunteers.

Mr. Secretary Windham said, that as soon as he was prepared to bring the

business forward, he should name the day.

HOUSE OF LORDS.

Friday, March 21.

[**MINUTES.**] The American Treaty bill, the Wool Exportation bill, the Mutiny bill, the English and Irish Militia bills, the Militia Subalterns bill, the Militia Adjutants bill, and the Scotch Bankrupt bill, were read a third time and passed.—On the motion of lord Eldon, the further consideration of the claims of the duke of Clarence and other royal dukes to the right of voting the election of representative peers in Ireland, was fixed for Tuesday.

[**WITNESSES' DECLARATORY BILL.**]

Lord Eldon, after adverting to what had taken place on Wednesday relative to the Declaratory bill, observed, that he did not attend on that day in consequence of understanding that a noble and learned lord (Lord Lenborough), not now in his place, would propose a clause specifically providing for the exceptions to the general principle, which was to be substituted for the proviso which he (lord Eldon) had proposed to the lordships. From what had happened however on that day, he was convinced that he must have misunderstood the intentions of the noble and learned lord to whom he had alluded. He was still of opinion that the bill, if passed in its present shape, might generate much mischief, and could he have conceived that no qualifying clause would have been proposed, he would have attended in his place on Wednesday, and stood out to the last for the adoption of his proviso. As the business stood now, he must content himself with giving notice that if the bill came up from the house of commons without receiving any amendment that could bring the subject again into discussion, he should make a motion on the bill brought in by a noble lord (Stanhope) for the purpose of bringing the question again under their lordships' consideration.

The Lord Chancellor, after adverting to the causes which had given rise to the Declaratory bill, which he had had the honour to present to their lordships, contented that the general enactment contained in the bill, merely declared the law to which the majority of the judges had assented; but did not take away any of the privileges of demurrer which witnesses were previously allowed by law, or the power of the judge to decide on the grounds of demurrer according to the

as previously defined and laid down. In framing the bill he took for its groundwork the language used by the noble and learned lord (Eldon) in the question referred to the judges, which question had been answered in the affirmative by a majority of those learned persons: if therefore there was a defect in the bill, it must arise from defective opinions delivered by the judges.

Lord *Eldon* still adhered to his former opinion relative to the operation of the bill. He thought however, it would be advisable if the bill was not amended in the house of commons to put a question to the judges for the purpose of ascertaining whether the exceptions to the general principles were saved or not under the general enacting words of the bill.

HOUSE OF COMMONS.

Friday, March 21.

[MINUTES.] Sir S. Cottrell, one of the clerks of the privy council, presented at the bar, “a Return of the total number of vacancies which have arisen in the Additional Force, by death or desertion, men reclaimed as deserters, or claimed as apprentices, or discharged as unfit for service, for the year preceding the 1st of Sept. 1805, together with the number who had volunteered into the regular forces, for the year ending 1st of Oct. 1805, pursuant to the 14th and 15th sect. of 44 Geo. III. cap. 56.” Ordered to be printed.—Mr. Burdon rose to submit a proposition of great and general importance, and particularly to the poorer classes of the community. It was become in the highest degree necessary to ascertain, and to fix upon some mode for the accurate measurement of coals, for in consequence of the want of such an arrangement the public, and especially the poor and ignorant, were subject to the grossest frauds and imposition: To remedy such evils was the object of the measure he had thought it his duty to bring forward. The hon. member concluded with moving, for leave to bring in a bill for the better regulating the admeasurement of coals seaborne; which was given.—Mr. Staveley presented at the bar an Account of the receipts and arrears in the Post-Office department on the 5th of Jan. 1806, and Mr. Franklyn presented an Account from the commissioners of customs of the arrears and balances due by collectors, &c. These accounts were ordered to lie on the table, and the latter was ordered to be printed.—Ordered on the

motion of Mr. Vansittart, that should be laid before the house a statement of interest accruing upon chequer Bills as are to be issued in the year 1806; and the right hon. gentleman gave notice that he would bring upon this subject in the course of the supply on Monday.—Sir J. St. John gave notice, that there be laid before the house an account of all grants already made for the Forfeited Estates in Scotland, for an account of all balances due to the said estates, with the names of the persons in possession of the same. Ordered.—Mr. Vansittart brought up the report of the committee on the Petition of Messrs. Messrs. and Cowie was referred, which was ordered to be printed.—Mr. Close presented the First Report of the Commissioners of the Military Enquiry, which was ordered to lie on the table and to be printed.—The committee on the Paving Bill, in which some difference took place between Mr. C. Vansittart, Mr. J. Latouche, Mr. Quiere, and Mr. Ormsby. The latter opposed the bill as unjust and oppressive, and the former defended it. The bill was ordered to be received on Monday.

[BUDGET.] Lord *Henry Petty* rose, that on Friday next he would bring forward a bill to resolve itself into a committee to consider of the Ways and Means, and should submit to them of proposals necessary for the service of the year.

Mr. *Rose* considered it as his duty to bring forward the Ways and Means, and all the estimates of the year 1806, to be laid before the house. At present the public were still ignorant of the military estimates for the year.

Mr. *Vansittart* replied, that regulations might be made in the affairs of the country, must, as a course, be submitted to a committee of supply; and though he might explain the ways and means, to propose, it did not follow that it would be voted, than what appeared in the estimates.

Lord *Henry Petty* said, that gentlemen would have an opportunity when the question was brought forward.

Mr. *Rose* rejoined, that he was struck with the singular

ging forward the ways and means, before the military expences were made known.

[ELECTION TREATING BILL.] Mr. Tierney moved the second reading of the Election Treating bill. Upon the question being put,

Mr. Fuller rose and expressed his surprise, that the right hon. gent. should submit such an important motion without saying one sentence upon the subject. To say much in its favour, he thought quite beyond the power of the right hon. gent. or any other person. Indeed, it did not appear to his mind that such a measure could at all be sustained, for its tendency would be to disfranchise an immense proportion of the freeholders of the country. In the case even of the county he had the honour to represent, what would be the fate of the poor freeholders who lived above 80 miles from the place of polling? Why, that such persons, unable to defray the expence of the journey, would forfeit their votes. The same thing would, no doubt, happen in many, if not all other counties. It was enough that poor freeholders should be subject to the loss of time and the trouble of going to the hustings, without being called upon to submit to the expence of carriage from distant quarters. This expence was no material loss to the candidates, and it was to be recollected that the poor voters were only treated to this jaunt once in seven years. It would be cruel then to dash this trivial cup from the poor man's lips. The house should bear in mind the manner in which our sagacious enemy acted towards his people, particularly towards his soldiery, to every one of whom he occasionally appealed, complimenting them at once as the judge of his conduct, the means of his success, and the partaker of his glory. A similar policy should govern this country. Every Englishman should be taught to feel a common interest with his country and its legislature, and the best mode to encourage that feeling was by making every, even the poorest freeholder, an arbiter of the conduct of his representative. But the object of this bill would be to deprive the greater part of the poor freeholders of this important right. If such a bill were to pass, the effect would be to injure independent candidates, to exclude distant voters, and to leave the fate of an election generally to the decision of the mob of the town where it might take place. Thus, the man who could best harangue the mob, would probably be the successful candidate, to the exclusion of those in-

dependent men who were most worthy to be members of parliament—for those who should not submit to great trouble would have no chance of succeeding. Sir Edward Coke had observed, that those men were most fit to be members of parliament who did not care whether they were so or not; and this bill were to be adopted, such men would in all likelihood, be utterly excluded; and being prevented from paying for the conveyance of voters, being too proud to canvass, and unwilling to count the mere mob at the hustings, they would have but little chance of any voters at all.

Mr. Morris professed the greatest respect for the hon. mover of the bill. He knew him to be intimately acquainted with the laws on the subject of treating at election and that the whole had engaged much of his attention. But his objections to the present bill were of such a radical nature that no alteration or amendment could reconcile him to its adoption, and therefore he felt this the proper stage to make himself stand against it. If it were meant as a declaratory law, to explain the act of King William, he would resist it as totally unnecessary, and if meant to go farther than that act, he would resist it as improper and unjust. The giving meat and drink to voters was already prohibited by the letter of the statute of William, and there, in his judgement, the law went far enough. It proceeded the length of forbidding the conveyance of voters at the expence of candidates, he should sincerely regret, and, among others, for the reasons stated by the last speaker. But it was urged, understood, by the right hon. mover of this bill, whose speech he had not the good fortune to hear, that doubts existed with respect to the interpretation of the law upon the subject of treating, and that therefore a declaratory law was necessary. In the existence of such doubts, he was not all aware. In the Worcester case, alluded to by the right hon. gent., the argument of the council was evidently mistaken for the decision of the committee. The fact was that subsequent to that decision, a bill was brought in, as it professed, to remove doubts as to the treating act. That bill found its way into the house of lords, where it was strongly reprobated by lord Mansfield, who very properly observed, that the multiplication of statutes, instead of adding to the strength of the law, served to impair and weaken it. Such a remark was always entitled to consideration, but particu-

where, as in this case, there was no ground of necessity. To prove the necessity, however, some endeavours had been used, by referring to cases of doubt. Among those cases Ipswich and Barnstaple had been referred to. Now the fact was, that in the former case, the subject had not been at all gone into, the election having been declared void on other grounds; and as to Barnstaple, the only appearance of doubt in the construction of the law was by the petitioners, who stated, that if their opponent had advanced money, merely for the travelling expences of voters, they should not press the committee to come to any decision upon that point. Such a statement, however, could avail nothing in arguing the question before the house. These petitioners might have declined to enter into discussion, as to travelling charges, having probably defrayed the same charges on their own side. But their motive was of little consequence. The question was, whether their misconstruction of the law should be taken as a proof that any doubts existed as to the fair interpretation of that law; whether the mistakes of a few men as to the meaning of a law, should be admitted as evidence that the law was doubtful, and that a declaratory act was necessary, as was pretended in the case before the house? Whereas, in reality, no doubt existed upon this subject. The last decision upon the Herefordshire case was quite conclusive as to treating. The committee there had before them the proof of travelling charges having been paid by the candidate; but their determination was grounded distinctly upon this, that tickets had been given to the voters for meat and drink, and this it was which they pronounced to be within the meaning of the treating act. Of course upon that ground the candidate was disqualified. So far as to the decisions of committees with regard to this law. Now, as to the proceedings in the courts respecting it, there were but a few cases. From the actions however, which were brought by inn-keepers against candidates, for the expences incurred at elections, contrary to the treating act, it appeared that such actions could not be maintained. In the action brought against two members of that house, Messrs. Francis and Moore, lord Kenyon did not, to be sure, direct a nonsuit, because, very properly as a judge of *nisi prius*, perceiving a look of equity in the claim, he referred it; at the same time pronouncing an agreement which appeared to have been entered into by one of the candidates to i

other for his election expences illegal, "because it pledged those expences which it was law to incur." There were of the books which served to settle doubts prevailed in the courts the interpretation of the treating point was, indeed, conclusively by the decision in the court pleas, in the case of Ribbons. Upon the whole then, it was a judgement, that as no doubt existed in the construction of the treating a ratory law was necessary; and law, such as that before the law, be highly improper, it required consideration to prove. It was to say what mischiefs would result from the adoption of such a bill. A of freeholders would be disinclined for any improper act, but in consequence of their inability to pay the expence of their conveyance to the right hon. mover was have said, that the removal of the place where his right of voting was a matter of option; but that was a case. For the tradesman and the farmer must go where his industry could find employment: he must shift himself to follow the market. In many instances, the change of residence of part of voters was not a matter of necessity, oftentimes a matter of necessity, and yet this bill would add to the pain. In counties the right of the electors proposed the taking of the poll in places, in order to obviate or to remove the glaring objections to his bill, the multiplication of polling places would be productive of confusion and delay even to the candidate. more, he would object to the bill, because he liked the law which a freeholder now gave in the face of the county and the law. It had also been said that the measure would only be a measure of spirit of the act appointing the election to be confined to the value of a 40s. freehold, since 40s. might be reckoned equal to 3l and thus you preserved the independence of electors, his opinion was, that the general diffusion of industry and capacity, freeholders of the

ed as much independence of mind as any other description of persons. To deprive a great body of such men, as this bill would tend to do, of the exercise of their elective franchise, would serve to produce a disposition to listlessness and languor among the people, than which nothing was more to be dreaded; for nothing would be better-calculated to facilitate the subjugation of the country and to lead to despotism. The French scarcely valued such a thing as the elective franchise; but any man who had ever seen an election in this country must be sensible how different was the feeling which prevailed among Englishmen, how eagerly they crowded to the hustings, and how little they were in a state to be reconciled to the relinquishment of a right they so highly prized. He was glad to think on the estimation in which the people held this important privilege, and was always happy to perceive the enthusiasm which prevailed at popular elections. Since such scenes had been freed from the tumult and intoxication which formerly disgraced them, the enthusiasm displayed must be observed with pleasure by every man who loved popular liberty; who felt as an Englishman. The hon. and learned gent. concluded with stating that he could not conceive the least mischief likely to arise to the freedom of election merely from the candidates paying the expence incurred by the carriage of poor voters to the hustings, while very great evil was to be apprehended, if, by disqualifying candidates for merely defraying such expences, a vast number of voters should be precluded from the exercise of their franchise.

Mr. Francis rose and said:—Mr. Speaker; The unexpected mention, which the learned gent. has made of me by name, and of my hon. friend the present representative of the city of Coventry, makes it indispensably necessary to set my hon. friend and myself right on this subject. The learned gent. has been led into a great error concerning some supposed facts, which he has asserted, and he has done us great injustice. I had not the advantage of hearing the first part of his speech, and therefore I know not, nor am I able to conjecture on what evidence he makes such assertions. Whatever it may be, I assure him it is false. On this point I cannot be mistaken, because it is impossible I should ever forget the contested election at Tewksbury in 1796, or any material passage in that transaction. In truth, I have too much reason to remember it. The calumnies,

to which he alludes, and which in the first instance were passionately and most indecently delivered from the bench, and propagated afterwards with great industry in the newspapers, have been publicly refuted and ought to have been forgotten long ago. But it is in the nature of calumny, not indeed ultimately and always to survive truth but to live and lurk in the dark, and, when an interval has elapsed sufficient, in appearance at least, to furnish a probable security against detection or to escape contradiction, to revive with new malice, and endeavour to do its dirty work again. I am far from attributing that intention to the learned gent.; but I say he is deceived and that the information he has given to the house is not true. He supposes that my hon. friend and I had been convicted of contract, by which he was bound to bear the whole expence of the contest, and that such contract was illegal. Whether it would have been so or not, is immaterial, because in fact there was no such agreement. My hon. friend, I know, did incur a much greater expence than I did in the course of that transaction; because he was engaged very long before I had any concern in it, and because he managed every thing. What I affirm is that my proper share of that expence was paid by myself. The generous ardour, with which lord Kenyon maintained the moderate demands of the innocent inn-keepers against *us*, whom he charged in terms with a plot first to corrupt and then to cheat them, does honour to his moral character. At sight of virtue in distress, that worthy judge's passions were always ready to take fire. Unluckily for my hon. friend and me, he was not at all a political judge. If the Treating act, as it then stood, vacated any action, and ought to have non-suited any plaintiff for the expences in question, I presume it was the duty of the judge to advert to such act, and to let the law take its course, even against his own tender feelings for the plaintiff. All I know is that lord Kenyon did not take notice of it, that he gave a violent and reproachful charge to the jury against us, and that in the end we paid the full demand of the inn-keeper within a trifle. We never pleaded the statute; nor, if there had been fifty statutes to bar the action, should we ever have resorted to that or to any other legal pretence to shelter us from an honest and equitable demand. What we contended, and what I still believe to be true

man was thought fit to be entrusted with arms for the defence of his country, who had not that interest in its welfare, which was attached to property, and could be derived from nothing else. The *proletarii*, who were supposed to be good for nothing but propagation, and the *capite censi*, who were counted by the head or by tale, belonged to no class, and had no vote or voice in any act of the people. My right hon. friend and I concurred in thinking that, in order if possible to make venality in the election of persons to serve in parliament useless, if not impracticable, it would be advisable to extend the right of voting to the greatest number of voters that could be obtained consistently with the public safety. With that united view, we hunted for property, wherever it could be found, in order to support the vote. He knows best whether he ever meant to consider the vote as a personal right without any other qualification, and to act on that principle. I believe not; but I am sure that such a project never entered into my contemplation.—I ought now to state to the house for what purpose I have introduced these topics and reflections, and how I mean to bring them home to the business of the day. The fact is, that I have had no opportunity of examining the bill which is under consideration. But I have collected enough from the debates to know that it is the prevailing opinion of this house, and not yet disputed by any body, that the inevitable effect and operation of the bill, whether intended or not, will be to reduce very considerably the number of voters in county elections; and that, the larger the county is, the smaller will the proportion of actual voters be in such elections. It is said, and I believe, truly, that the little freeholders, at any distance from the county-town, would never vote at all. What the consequence of that would be, deserves the serious consideration of every man, who wishes to preserve the popular part of this constitution. The question that deserves to be more immediately considered by my right hon. friend, and to which I wished, by all that I have said, to draw his attention, is, whether it be possible for him to reconcile the principle, which he and I avowed and acted on from 1792 to 1795, viz. of extending the right of voting as far as property could be found to support it, with the practical effect of his present bill, which, as I find it asserted on all hands, would be to reduce

and confine the exercise of the right to much smaller number, than that, which and I formerly agreed in thinking ought to be considerably increased; I mean in the counties, where the vote might have been extended with the least inconvenience and the greatest safety. With this impression of the operation of the bill, which on that part I am sure was neither intended nor foreseen, I am bound to oppose it.

Mr. Morris explained, that he took his statement of Mr. Francis's case from the reports of the Court of King's Bench, which were generally allowed to be accurate.

Mr. Tierney disclaimed the slightest intention of proposing to disfranchise the freeholders under 30*l*. On the contrary, a proposition of that nature were brought forward, he would be among the first to oppose it.

Mr. W. Dundas said, that he should find himself under the necessity of opposing the present bill, unless Scotland was altogether excluded from the operation of it.

Mr. Johnstone could not see that a great benefit was likely to arise from the alterations that this bill proposed. As to the practical part of the constitution, he thought it would be hard to point out any considerable improvement. He might quote the words of Dr. Paley, who would be allowed to be a good authority on the subject. I might, like him, ask, Whom is this house composed of? It is of men which come from every class of society, which produce considerable talent and information. In that house there were not only representatives of the landed interests, but of the commercial interest also; there were men who were the most distinguished in every liberal profession and honourable situation. He could not see what sort of men were fitter to sit in that house, than those who actually had seats under the present mode of representation. As he therefore did not perceive any practical good that was to result from changing either the mode of representation, or the description of persons who were to be representatives, he should oppose the bill.

Mr. Lee considered this a measure, the appropriate title of which would be "a bill to lessen the number of voters." It was calculated, he thought, to deprive a class of men of the right of voting, who, although poor, were capable of exercising that right as independently and as free from corruption as persons of affluence. He could never relish the idea of disfranchising

man for his poverty; and that would be the effect of this bill. In fact the proportion of freeholders which it would disfranchise would be enormous. In Coventry alone, the freemen disfranchised by such a measure, would amount to several thousands. Another objection he had to the measure before the house was, that it proceeded upon a principle of partial legislation, by enacting one law for England, and leaving the law of Ireland upon the same subject *in statu quo*. The law ought, in his opinion, to be in all cases general, as far as was consistent with the difference of local circumstances.

Sir R. Buxton entreated the house not lightly to reject a measure which he thought perfectly congenial with the spirit of the British constitution. According to the principles of that constitution, a man should come into that house free and independent, and the constituent who sent him there should be free and independent also. Now the former could not be so if he were to pay an enormous sum of money for his election; nor could the latter be so if he were to receive money for his vote; and, disguise it as gentlemen pleased, the expence of carriage was a species of payment to the voter. There was a time when, instead of members paying for their election, they were paid for their attendance; and he should be glad to see the same practice again. The hon. baronet repeated his wish. Members would be likely to enter that house not with a view to derive any emoluments from the state, but for the benefit of the country.

Mr. Rose did not agree with the distinction taken by the hon. and learned gent. (Mr. Morris) that if any thing more was given than merely the price of conveyance to the place of election, it must be considered bribery. If freemen were to be conveyed to a distant town, suppose, for instance, Coventry, it was evident that there must be considerable expences besides the mere price of the carriage. The candidates were now in a very disagreeable situation, as they could not tell, in the manner the law now stood, what was, or what was not, to be considered in that light. He thought it was therefore right that the law should be made explicit on this point. He trusted that the house would pause before they rejected such a proposition, and begged them to consider that if the expence of carriages were allowed, it was nonsense to suppose that refreshment and treating by the way would not follow;

also whether a compensation time, which would lead to bribery, might not be the next step.

Mr. Courtenay remarked upon of the principle and the refinement, which the house had with speech of the hon. baronet, a hon. gent. who had just so. Really those two gentlemen were so pure themselves, but they think they were addressing an angelic audience. No doubt the baronet came into that house most and most disinterested with nothing in view but the good of the country—and the right hon. gent. him was inspired with equal equally discarded every consideration that of patriotism. That right hon. gent. had stated, that it was nonsense that a voter would go from another to give his vote with something more than the law. No doubt the right hon. gent. by his experience. He was, it is presumed, tolerably competent to such a subject; and so, were others also. If in reality, even were disqualified who paid the expence of poor voters to the house something more, the right hon. gent. admit, that the benches on both sides be rather thinned. For himself, he would say, that he did not like this attitude to exclude the poor from participation usually enjoyed at elections. They seldom had such an opportunity, and when they offered they were shut out from them, mere pretence of seeking for purity. He would approve of the use of a filter to clear away all the mud of perjury, &c. from popular elections, and let nothing but the pure water of good order, &c. trickle down to the members of that house. The mover had said, that he would introduce a bill to disqualify freeholders 30%. But it would not perhaps be well to call to mind, that the bill of confining the right of voting to 40s. was itself a bill of disqualification. It was one advantage resulting from the depreciation of money, that that disqualification law had not been measure been defeated. As the result of the noise and confusion of these voters occasioned, when they came from distant parts, they alarmed

Cockades, and the liberty of huzzaing, were things which every Englishman admired; they contributed to give him an idea of the rights he enjoyed, and on the possession of which he prized himself. This was well expressed by one of our celebrated poets, he believed Dryden, who spoke thus of an election time—

—“Where every man enjoys,
“His liberty and property of noise.”

On the whole, the bill appeared to him, highly objectionable, as operating to the disfranchisement of thousands, and he should, therefore, vote against it.

Captain *Herbert* disapproved of the bill, because it would have the effect of disfranchising by much the greater proportion of the electors of this country, namely, all those who resided at a distance from the place of election. This bill, if it passed in its present state, would have the effect, in a great county, of making it the election, not of the county at large, but of the county town, and instead of operating in favour of gentlemen of small fortune getting into that house, as the right hon. mover alleged, would completely defeat that end, if they resided in any remote part of the county, by depriving them of the power of bringing forward their friends.

Mr. Secretary *For* rose to assure his right hon. friend who brought in the bill, that his voting for the bill's going into a committee, by no means proceeded from his objections to the bill being done away, but from a desire to see if it might not be there rendered more palatable, if not entirely agreeable to the wishes of gentlemen on all sides. There was one object of the bill to which he was friendly, that of removing doubts which at present existed. If that could be done, it would be highly desirable; and, as such, he would vote for its going to a committee; but he, by no means, in giving this vote, pledged himself to any further support of the bill. He thought it necessary to say thus much, lest his vote should be misconstrued.

Mr. *Buller* said, that when such high authorities as the chief justices of the two supreme courts differed, and the committees of that house also; it was necessary those doubts should be removed; and he wished, therefore, the bill should go into a committee. He approved also of the poll being taken in large counties, in different places, as it would tend much to lessen the expences, and enable men of moderate fortunes, to offer themselves as

candidates, without the risk of being ruin

Mr. *Leveson* begged to put the right as to the supposed contrariety of opinion between the judgments of the courts. The decision in the Common Pleas was the only one which could be calculated on, as that in the King's Bench, which was not a solemn judgment, but merely a verdict at *Nisi Prius*, did not at all proceed from the act of King William, but was founded on the statute of George II. imposing penalties, where the judge necessarily left to the jury to find, *quo animo* the 30*th* was given.

The Attorney General (sir Arthur Pigot) hoped to be forgiven while he in as few words as possible stated the situation which the law of the case at present stood in. The only instance in which a solemn decision on the point had taken place was that before alluded to, in the court of Common Pleas, in which the law was laid down by his right hon. friend who introduced the bill; as to what had passed at *Nisi Prius*, that he did not pretend to know. As to the state of the practice before the committees of the house of commons, that, he confessed, had been generally contrary to the decision of the court of Common Pleas. He had had considerable practice in matters of that kind, and he had seen several committees find fault with the providing of carriages to electors who resided at a distance, or supplying them with the means of providing such carriages, which were not violations of the act of king William. Other committees he had seen find fault with supporting such electors while absent from home, and enabling them again to return to the place from whence they came, which were also not to be esteemed as falling under the act. For 20 years, he was certain, that had been the general plan pursued by committees: that was to say, elections were not declared void on account of such practices. But the difficulty had always been, what was properly to be ascribed to those motives, and if, under pretence of such allowance, any corruption had been exercised. Where no such excess was found, the facts already stated were not esteemed grounds on which the elections should be declared void. This was an extremely singular state of the law between our courts of justice and our parliamentary judicature. In the court of law, an action for these expences could not be entertained; in our parliamentary judicature they were held to be perfect

legal. He had indeed seen committees who thought otherwise, and who had esteemed such furnishings to come within the statute of William. But what must be the case of the candidate in such an uncertain state of matters? Or what could a person to whom he applied for advice, say to him? He might tell him; I cannot advise you, the general turn of the opinion of the committees is so and so; that, by the act of king William, it was, at least, extremely questionable how far he was entitled to grant any of those furnishings; but still he could give him no precise advice by which he might not be injured either in a court of law or by a parliamentary judicature. Miserable, in such a state as this, must the case of the candidate be. For these reasons he wished the bill might be allowed to go through a committee, where it would be in the power of the house to determine the general rule or admeasurement by which conveyances for electors was to be regulated. He could not approve of the bill as it now stood. If it were to be laid down, that a candidate, by conveying an elector on a coach-box from the place of his residence to the scene of the election, forfeited his seat, he should esteem it, not the disfranchisement of the electors, but of the candidates.

Mr. Tierney rose to reply. He observed that it appeared to him rather inconsistent in his right hon. friend (Mr. Fox), to consent to the bill going into a committee, while he at the same time pretty clearly signified his disapprobation of its principle. One gentleman had found fault with the bill because he considered it a sort of parliamentary reform. Another objected to it, because it was not a parliamentary reform, and thought that he (Mr. Tierney) had deserted that principle, which he had so often professed that he adhered to. In the first place, he would say, this measure was not connected with what was generally called a parliamentary reform. But at the same time, no person ought to consider his introducing it, as any dereliction of the principles and opinions he had formerly professed. A wise and prudent lover of reform would get what he could towards his object, when circumstances prevented him from getting what he wished. He was a little astonished at what had fallen from another hon. gent. (Mr. Courtenay), who had been a long time, a warm advocate for parliamentary reform, and who still considered the noise and tumult attending po-

pular elections, as a genuine the spirit of British liberty. I sure that hon. gent., that if been at the Borough election, or four o'clock in the day, w^h was cast up, he would have much of those indications of British liberty, and heard as shouting, and tumult, as his wish. He could not conce^{iv}e could be said to be disfranchis to declare "that no man s^hould be admitted to exercise his elective the expence of the candida any gent. contend, that the fr^{ee}ded a right of being carried, fr^{om} to and from the place of elect body could argue that such a in the elector, there would taken away by the present bill this practice was allowed, it w^{as} for gentlemen of moderate s^{kill} ever might be their talents, iⁿ in which they were held, to men of much superior wealth not afford to bring the freeho interest from the distance of miles to the county town. much his object to protect ca expence, as to protect parliu throw its doors open to that men, whose introduction he a most desirable thing; he that wealth should be depriv per influence, but he must being the only qualification wished to see men of large fo house, but he also wished to of another description. A candidate was expected to pa of bringing the freeholders t election, so long great wea every thing before it; for no rate fortune, whatever might or the esteem in which he w^{as} ever venture to incur the ex a candidate for a county. no better reason for a candi pected to be at the expence to a borough town all th could find to vote for him. left the town where they their franchise, it was for tl lument they left it; and i come up to London, in ord money than they would hav town, the improvement of stances could give them ne any body to additional ex

exercise of their franchise. If gentlemen considered that this bill would virtually disfranchise any body, they should always recollect, that it was in the power of the candidates themselves to do by an agreement, what the present bill proposed to do by a law. He declared, his only object in bringing it in was, to put an end to the dreadful expence to which candidates were now exposed: and, by that means, to encourage men to stand as candidates, whose talents would be an acquisition to that house, but who were, at present, unable to stand before the length of purse which might be opposed to them.

Lord *Porchester* objected so much to the principle of the bill, that he could not vote for its going into a committee. It was his opinion, that no bills should go into a committee but such as were approved of in their principle. His objections were principally to the disfranchisement of such a considerable number of electors.—The question was then called for, and the house divided; when the numbers appeared, for the second reading 73; against it 17; majority 56. The bill was then read the second time, and committed for Wednesday.

[*AFFAIRS OF INDIA.*] Mr. *Huddleston* said, he rose to move for certain papers relative to the Affairs of India; whereupon,

The *Speaker* felt it his duty, as the hon. member had given no notice of his motion, to state to the hon. gent. what he conceived, after what had recently passed on this subject, the practice agreed on by the house to be: first, he understood it to be settled, that any member was entitled to move for any of the returns, or public accounts usually returned to parliament every session, without giving any notice; secondly, that any of his majesty's servants in that house had a right to move for any return they chose, at the same time, stating it to be for the use and information of that house, without any previous notice; thirdly, any gentleman might move for any official document, without notice, if he at the same time stated that he had communicated his intention to some one or more of the persons in whose departments such document was deposited, and that there was no likelihood of objection to such motion. But in all other cases, he understood it to be the practice, as now settled, that no motion for any such document could be entertained by the house, without previous notice. This, until he should be further instructed by the sense of the house,

he held to be the practice agreed on; and until the house should be pleased to give directions to the contrary, he should find himself by duty precluded from putting the question on any such motion, of which previous notice shall have been given.

Mr. *Huddleston* said, he willingly submitted to the established practice of the house. The reason why he had not communicated with any of the gentlemen belonging to the department was, that he conceived there could not be the least objection made to their production. He then gave notice, that he would, on Tuesday, bring forward his motion, which was certain papers relative to the affairs of One

HOUSE OF LORDS.

Saturday, March 22.

[*MINUTES.*] Their lordships being met, the usher of the black rod was sent to require the attendance of the Commons. The *Speaker*, with several members, immediately attended at their lordships' bar, when the royal assent was given, by commission, several public and private bills; (see commons report). The commissioners were lord *Erskine*, lord *Walsingham*, and lord *Auckland*.

HOUSE OF COMMONS.

Saturday, March 22.

[*MINUTES.*] The *Speaker* being called down, the house was soon after summoned to the house of peers, to hear his majesty's commission read, declaring his royal assent to several acts, which had passed before houses. The speaker, on his return, informed the house, that he had heard the royal assent given by commission to lord *Collingwood's* Annuity bill, the Irish Customs bill, the Irish Sugar Drawback bill, the Marine and Army Mutiny bills, the Qualification Indemnity bill, the Militia Officers' Allowances bill, the Foreign Troop Enlistment bill, the Greenland Whaling Fishery bill, and to the Scotch Credit bill.—Lord *Henniker* presented a petition from the Maltsters of Rutland, praying for a modification of the last Malt Duty act.

HOUSE OF LORDS.

Monday, March 24.

[*IMPEACHMENT OF LORD MELVILLE.*] Lord *Melville* attended in his place, and delivered in his answer to the 10th article of Impeachment. His lordship entered a protest against the unprecedented circumstances under which that additional article

had been preferred; and declared that he did not think himself bound, either by the law or usage of parliament, to answer it. He should, however, plead "not guilty" to the charge generally.—The answer was then ordered to be sent to the commons.

HOUSE OF COMMONS.

Monday, March 24.

[MINUTES.] Sir Samuel Romilly, the new Solicitor-General, took the oaths and his seat.—Mr. Johnson, from the office of the Chief Secretary of Ireland, presented at the bar, an Account of the Consolidated Fund of Ireland, with the Charges, Payments, and Surplus, for the year 1805.—Mr. Irving, the Inspector-General of Exports and Imports, presented at the bar an Account of the Exports and Imports for 18 years, ending Feb. 1806.—Mr. Cooke from the exchequer, presented at the bar, an Account of all interest paid on exchequer bills, in the years 1803, 4, 5, and the average thereof.—Sir P. Stephens moved, for an account of the sums of money that have been issued by the Commissioners of the Navy, under the 43d of the king, for the discovery of the Longitude.—On the motion of Mr. Windham, the bill for regulating the Commerce of the Cape of Good Hope passed through a committee.—The Secretary at War presented, pursuant to order of the house, an Abstract of the total number of men raised under the Additional Force Act.—Mr. Brooke put off his motion relative to the Contracts for supplying the Navy with Spirits until Monday, as he had reason to suppose that the attention of government was directed to that subject, and that measures might be adopted in consequence, which would render it unnecessary for him to bring forward the motion.—Mr. Grey gave notice, that he should to-morrow move that the thanks of the house be given to admiral sir John Duckworth, and also to the officers, seamen, and marines of his squadron, for their gallant and signal services, by the total destruction of a division of the enemy's fleet in the late brilliant action in St. Domingo Bay.—Lord Temple, with a view to the preparation of some clauses that should remove any objections that existed against the bill for establishing a free port in the Island of Tortola, proposed that the committee on that bill should be deferred to Monday next. After a few observations from Mr. Rose and lord Temple, the committee on the bill was put off

accordingly.—The Irish Com Partition bill was read a third time.—Mr. Hawthorn brought report of the 10,500,000*l.* Exc bill; also of 1,500,000*l.* Bills were severally agreed to.—On of Mr. Vansittart, the Excise E bill, and the Felons Transpo were read a third time and p Wellesley Pole, pursuant to his to move for the production of ce relative to the Affairs of India. was to bring the whole of the e fore the house, as the papers al for could afford but a partial The papers he should move fo tained in three distinct lists: related to the Mogul; 2d, Th to Bhurtpore; and 3d, Those the war with Holkar. He ha his motions to the consider board, on the part of whom no o felt to the production of the p to call for. It was therefore for him to take up more of the house than by moving, &c. 1 which were for several letters dates, on and after the 31st of from the late governor-general the Secret Committee of the C rectors, together with their incl then put and agreed to.—On that there be laid before the l of a letter from lord Lake Cornwallis, dated Sept. 2, 18 to the reduction of the irregul order of marquis Wellesley, asked, whether the papers the comprised all the documents o of the irregular troops? Mr. l that they comprised all he th sary for his purpose. He wa of any others requisite to bri tion fully before the house, bu gentleman should be of a differ he could have no objection to motion that might be made for tion of such further papers a deemed necessary.

[WITNESSES' DECLARATORY
Attorney General moved the 2 the bill from the lords, declar bility of Witnesses to answe question being put,

Mr. *Perceval* said, he did oppose the 2d reading of the l he should be equally at liberty objections to it on the ques speaker's leaving the chair, if

friend should propose to have it committed. Undoubtedly clauses might be added in the committee, which would render the bill less objectionable than, as it then stood, it was. The bill in its present form appeared to him unnecessary, and, in principle, extremely objectionable as, he was convinced, would be the opinion of the house, when it should seriously examine its provisions. In his opinion, it would not, in its present form, either answer the purpose for which it was intended, or declare the law as laid down by the high authorities, that had been called on to decide that point.

The *Attorney General* said, he would not then enter into the merits of the measure, but proposed that the bill should be committed on Thursday next, when he should be ready to discuss the question with his learned friend. The bill was then read a second time.

[BUDGET.] Mr. *Rose* begged leave to renew the observation which he had made on Friday last, relative to the unprecedented case of bringing forward the Ways and Means of the year, before the particulars of the army expenditure had been submitted to parliament, or consequently the whole of the supply for the year voted. He had since looked into precedents, and was most strongly confirmed in what he had on that day urged as the opinion that struck him at the moment. There was not an instance, since the Revolution, of the ways and means of the year having been brought forward before the Army Estimates were voted. When he had stated his opinion on a former night, he admitted that a supply to a certain extent had been voted. He was not then aware that the motion which stood for this day would have been put off. But really he felt constitutional objections to the development of the ways and means till the whole of the military expenditure should be voted. The supply already voted was 24,460,000*l.* Of the ways and means, only the land and malt had been granted. The noble lord might also consider the war taxes as a part of the ways and means, which, with the land and malt, would amount to 16,000,000*l.* If to this were added the amount of the loan to be made and provided for in the general statement of the Ways and Means of the year on Friday, the Ways and Means would greatly exceed the supply, and against this excess there was nothing to be set but conjectural military estimates. It had been said, that the whole of the last year's military establishment had been voted in February.

He admitted that to be the case, but a temporary vote would not justify permanent Ways and Means calculated on an indefinite augmentation of that establishment. For these reasons, he thought the subject worthy the consideration of the house. He did not urge the matter with any view to throw an impediment in the way of the measures of government; on the contrary, he should be happy to assist the noble lord to the utmost of his ability.

Lord *Henry Petty* said, it was his only wish to put the house fully in possession of the objects of public expense, and the Ways and Means by which he proposed to meet them; and to give the house an opportunity of fully considering them before he should call for their final decision, that he should propose only a part of the Ways and Means in the first instance.

Mr. *Huskisson* begged leave to remark an inconvenience that would arise from not bringing forward the whole of the Ways and Means of the year at once. According to the late practice, the contractors for a loan were given to understand, that the loan contracted for, was all that would be wanted for the year. That could not be the case, if a part of the Ways and Means were to be subsequently provided.

Lord *Henry Petty* observed that this objection would not apply, if the contractors themselves should think it proper to form their engagements on the communications made to them by his majesty's ministers.

[IMPEACHMENT OF LORD MELVILLE.] A message from the lords communicated to the house the answer of lord Melville, to a further Article of Impeachment, being the 10th, exhibited against him by the commons of the united kingdom. On the motion of Mr. Whitbread, this answer was ordered to be read. The answer stated, "that the noble lord protested against being bound by the law of parliament when called upon to answer to the charge, under circumstances for which there was no precedent; but that, nevertheless, conscious of his innocence, and confident in the justice of his cause, he makes this answer, saving his right of taking exceptions, and also saving all the rights and privileges that belong to a peer of parliament. He declares for his answer, that he is in no wise guilty of the crimes and misdemeanours, in manner and form as charged against him by the commons of the united kingdom, and this he affirms himself ready to prove, at such time and place, as to that hon. house

seem meet: he therefore prays to be discharged and acquitted of those crimes and misdemeanours so falsely urged against him." This answer was, on the motion of Mr. Whitbread, referred to the Committee of Impeachment, to consider thereof, and to report their opinion thereon to the house what was most proper to be done in order to further proceedings.

Mr. *Whitbread* then withdrew to the bar, and brought up the report of the Committee on the answer of lord Melville in the form of a replication, averring that lord Melville was guilty of the crimes and misdemeanours charged upon him by that house, on behalf of themselves and of all the commons of the united kingdom, which they were ready to prove. The replication was agreed to, ordered to be engrossed, and then to be carried by Mr. Whitbread to the lords, as the replication of the commons: Mr. Whitbread then gave notice, that at a proper time he should move, that the house do attend the trial as a committee of the whole house.

[ORDNANCE TREASURERS' BILL.] Lord *Henry Petty* moved the order of the day for the house to resolve into a committee on the bill for the better regulation of the office of Treasurer of the Ordinance. The order being read, the noble lord explained the objects of this bill: first, that the house might have under its view a correct regulation in the mode of expenditure for such sums of the public money as it should think proper to vote for this branch of the public service; and, secondly, for securing the responsibility of the public officer charged with the disbursement of such expenditure; and to prevent, as far as possible, the misapplication of money entrusted to his charge. If the bill, in its present form, should be liable to any objections, he was ready to attend to the suggestions of gentlemen, and to avail himself of their assistance, so far as he thought really conducive to the objects of the bill; and he should have no objection, if necessary, to re-commit the bill for a future day.—The house having resolved into a committee,

Mr. *Wellesley Pole* said, he had a number of suggestions to propose for the adoption of the committee in amendment of this bill, which was utterly inadequate to the purposes for which it was avowed. Most of those suggestions had the approbation of the noble lord himself, upon whom he had felt it his duty to wait, and to mention his objections to the bill; for it was

his wish, really and sincerely, to communicate such suggestions to the house as had appeared to him from the necessity absolutely necessary to give to the objects of a bill, the principle of which was very much approved. The hon. gentleman entered into a detail of the office in the department of Treasury, and of the expence, through which monies had been issued, and under which the bill had not only been enabled, but was believed uniformly, did make the balances of the public money to be at his disposal, owing to his being allowed to draw for a full quarter's amount for chief expenditure, a quarter of the year before it was ultimately payable to the contractors. Having suggested an amendment by which this application might be completely prevented, he pointed out the impossibility of disbursing, by the bank, very large sums of money which were payable weekly and immediately to working gun-smiths, armourers, and labourers in the tower, for which it would be absolutely necessary that a balance must remain in the hands of the contractor. But one very principle he remarked in the bill was, that a large sum was voted for ordnance in Ireland, the word Ireland much as once appeared in the bill to remove these several defects, and amendments which he proposed strongly recommended that with respect to Ireland might be understood as intended, and the ordnance establishment of that country he could assure the committee that the noble lord, who was established on the subject, was established on the subject of the present bill, was in the view of the noble lord late at the ordnance.

Lord *Henry Petty* acknowledged the attention paid by the hon. gentleman to which he was so eminent, and approved the amendment suggested. But with respect to the only reason why nothing was inserted in the bill with regard to it, he said that the arrangement was in contemplation to give the noble duke, who was for that country, now president of the government, a more effectual control over the expenditure of the ordnance there.

Mr. *Huskisson* said, that for a considerable time before the disease of his late right hon. friend, a project was not only in contemplation for the establishment of effectual checks, such as those now proposed, on the expenditure of public money in the ordnance department, and in every other public office, as professedly intended by the noble lord, but that the plan had really been long acted upon, and only awaited an opportunity of parliamentary regulation, under a bill in the contemplation of his right hon. friend.—The clauses were then read and agreed to, and added to the bill.

HOUSE OF LORDS.

Tuesday, March 25.

[**MINUTES.**] The Committee of Privileges sat some time on the claim of the duke of Clarence to vote as a peer of Ireland in the election of representative peers for that country, but strangers were excluded.—Mr. *Hawthorne* brought up from the commons the 1,500,000*l.* and 10,500,000*l.* Exchequer Bills bills, the Spirits Excise Duties bill, the Irish Common Lands Partition bill, and the Felons' Transportation bill, which were read a first time.—Lord *Radnor* moved, that the proper officer do lay before the house, Copies of the Enrolment of any Patent of Peerage in Ireland, granted since the Union with Great Britain and Ireland; which was ordered.

[IMPEACHMENT OF LORD MELVILLE.]

Mr. *Whitbread*, and several other members of the commons, presented at the bar, in the name of the commons of the United Kingdom, a Replication to the Answer of Henry lord Melville, declaring that the said lord Melville is guilty of the high crimes and misdemeanours charged against him in the Articles of Impeachment, and that the commons are ready to prove the same. The Replication having been read at the table, earl Fitzwilliam moved, that a day be appointed, for the trial of Henry lord Melville: that the trial of the said lord Melville take place at the bar of the house, on the 29th of April next, at 11 in the forenoon; and that a message be sent to the commons to acquaint them therewith, and require them to appoint a committee to manage the impeachment; all which motions were agreed to, after a few words from the earl of Radnor respecting a point of form.

[**VOTE OF THANKS TO ADMIRAL DUCKWORTH.**] Lord *Grenville* said he had requested a noble and learned friend to move

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yesterday, that their lordships should be summoned for this day, in order that he might submit to them a motion for a Vote of Thanks, on account of our late success in the West Indies, respecting which he did not conceive there could be any difference of opinion. It was scarcely necessary, indeed, to make any comment upon the subject, or any preface to his motion. A series of the most splendid achievements had raised the character of our navy to the highest point of pre-eminence, whilst they proved the unrivalled skill and valour of our officers, and the irresistible bravery of our seamen. The victory recently obtained by sir J. T. Duckworth in the West Indies, evinced that the gallantry and skill of our officers, and the bravery of our seamen, were undiminished. A circumstance had attended this success which very seldom happened in any of our victorious contests with the enemy, that we had a trifling superiority of force, but this could not in the least take away from the brilliancy of the victory, or the merit of those by whom it was achieved. Every thing had been done that could be effected; every thing had been done that was admitted of by the possibility of the case. The enemy's force consisted of 5 ships of the line, and 5 ships of the line were taken and destroyed. He was one of those who thought that the thanks of the house ought not to be given except in those cases where such a vote was called for by great and exalted merit; that so high an honour ought only to be granted where it was eminently deserved, thus rendering the reward the greater, by the rarity by which it was conferred. He thought however, that this was one of those cases which called upon their lordships to confer that high honour, and that so brilliant a victory entitled those who had achieved it, to the thanks of the house for the skill and bravery they had evinced in thus diminishing the means of the enemy, and adding to the security of the country. He conceived it unnecessary to comment any further upon the subject; to enter into any lengthened detail would, he thought, derogate from the splendour of the achievement. His lordship concluded by moving for the thanks of the house, in the usual form, to vice-admiral sir J. T. Duckworth, K. B.; the hon. rear-admiral Cochrane; rear-admiral Louis; and the captains and officers of the fleet; and an acknowledgement of the services of the seamen and royal marines.

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The Duke of *Norfolk* said, he could not help taking this opportunity of again calling their lordships' attention to the case of sir Robert Calder. He thought it hard that the services of that gallant admiral in the action of the first day, when, with an inferior force, he achieved a victory, should not be acknowledged by some public mark of approbation. The thirteen gallant officers who composed the court martial, he had no doubt, decided most properly; still, however, the merit of the gallant admiral on the first day remained undiminished. He spoke on this subject entirely as a landsman, but it was the opinion of others as well as himself, that sir Robert Calder was hardly dealt with in not having the merit of his first day's rencontre with the enemy publicly acknowledged. He had not the honour of being personally acquainted with the gallant admiral, but merely spoke from the impulse of his feelings upon the subject, and he had hoped that the business would have been taken up by some other noble lord.

The Earl of *Romney* was proceeding to speak on the same subject, when he was interrupted by

Lord *Grenville*, who spoke to order. He put it to his noble friend and relation, whether it would not be more advisable to avoid any discussion upon a subject which had no connection with the motion before the house. If what had been alluded to by the noble duke should ever become the subject of a motion in that house, which he hoped would not be the case, he should then deliver his sentiments regularly upon it, but at present he conceived it to be irregularly introduced.

The Earl of *Romney* assured his noble friend and relation, that in addressing the house upon the subject, he had been solely actuated by feelings of friendship for the gallant admiral alluded to, which he trusted would plead his excuse with the house.—The motions of lord Grenville were agreed to, *nem. diss.* and the lord chancellor directed to communicate them to vice-admiral sir J. T. Duckworth.

HOUSE OF COMMONS.

Tuesday, March 25.

[*MINUTES.*] The bills to authorize the issue of 10½ and 1¼ million of exchequer bills, were read a 3d time and passed.—The order for the committal of the bank charter bill was discharged on the motion of Mr. Vansittart; who stated that before the house

went into the committee, he w^l laid on the table an account of stances connected with the loans due by government to the lent under the act of the 39th his majesty, together with the cruing on the said loan. Th^l ordered and produced accor^l Vansittart presented, pursuan^l return of the amount of the unfunded debt; of the perman^l and of the interest due on ex^l to be paid off.—The house in^l went through the customs e^l bill. A new writ was order^l rough of Rye, in the room of T^l Lamb, esq. who has accepted^l steward of the Chiltern hundre^l cretary at War presented a refu^l alties, &c. in the army since t^l The total number of men raised^l tain and Ireland, for unlimited^l the 1st of Jan. 1801 to the 28^l and also, return of the casu^l British army since the year^l sive, distinguishing each year^l sualties in the army at home^l the army abroad, to the late^l the year 1805, for which retur^l received from the several sta^l —Mr. Whitbread reported th^l sented in the house of lords t^l of the commons to the answe^l by lord Melville to the last^l peachment.—Ordered on th^l Mr. Whitbread, that an addr^l presented to his majesty, pra^l py of the second report of th^l ers for revising the civil affair^l —A message from the lord^l their lordships had appointed^l 29th of April, for the trial of^l Melville, at the bar of their o^l that arrangements would be^l said bar for the convenience^l gers of the impeachment, &c.^l tion of Mr. Whitbread, it wa^l managers should be appoin^l those managers should consi^l mittee appointed to prepare^l impeachment. Also that Jo^l John Winter, esqrs. should be^l licitors for the conduct of the^l ment.—Mr. Whitbread pos^l morrow his notice of a mot^l tendance of a committee of th^l upon the trial of lord Melvil^l convenience an hon. gent. (Dundas) who was particul^l

in this question, and who could not attend on this day.

[COMMITTEE OF SUPPLY.] Mr. Hawthorne reported from the committee the following resolutions:—1. "That 693,076*l.* 15*s.* 9*d.* be granted to his majesty, for paying off and discharging certain annuities, after the rate of 5 per cent. per annum, being part of the annuities granted by two acts of the 37th and 42d years of his present majesty; and that the said sum be issued and paid without any fee or other deduction whatsoever.—2. That 2,381*l.* 17*s.* 6*d.* be granted to discharge the annuity granted to his late royal highness the duke of Gloucester, from the time it was last paid to the day of H. R. H.'s death. 3. That 51,250*l.* 14*s.* be granted, for defraying the expence of making an Inland Navigation from the eastern to the western sea, by Inverness and Fort William, for the year 1806.—4. That 10,250*l.* 14*s.* be granted, to be applied in further execution of an act, of the 43d year of his present majesty, towards repairing and maintaining roads and bridges in the highlands of Scotland, for the year 1806.—5. That 1,934*l.* 4*s.* 5*d.* be granted, for defraying bills of the usher of the court of exchequer for supplying the court and officers with stationery, &c. for the year 1806.—6. That 4,994*l.* 1*s.* 8*d.* be granted, for defraying the charge of the works and repairs of the military roads in North Britain, for the year 1806.—7. That 48,329*l.* be granted, for defraying the expences attending the confining, maintaining and employing Convicts at home, for the year 1806.—8. That 10,000*l.* be granted, for defraying the expence that may be incurred for reprinting, in the proportion of 8 volumes a year, of the Journals, Indexes, and Reports, of the House of Commons, agreeably to the resolutions of the committee of the house of commons in the sessions 1802-3, for the year 1806.—9. That 4000*l.* be granted, for defraying the expence which may be incurred for printing 1750 copies of the 58th volume of Journals of the house of commons, for the year 1806.—10. That 290,300 be granted, to defray the charge of printing and stationery for the two houses of parliament for the year 1806.—11. That 20,000*l.* be granted for defraying the expence of printing and delivering the votes of the house of commons, and for printing bills, reports, and other papers, by order of the house, during the present session of parliament.—12. That 143,849*l.* 17*s.* be granted, for the relief of

the suffering clergy and laity of France, Toulonese, Dutch, and Corsican emigrants, and American loyalists, for the year 1806.—13. That a sum, not exceeding 12,000*l.* be granted, for defraying the expence of the public office, Bow-street, for the year 1806.—14. That 5,210*l.* be granted, for paying the salaries and allowances to officers of the houses of lords and commons, and sergeants at arms for the year 1806.—15. That 1,707,589*l.* 10*s.* 3½*d.* be granted to make good the deficiency of the grants for the service of the year 1805.—16. That 3,400*l.* be granted towards enabling the trustees of the British Museum to carry on the execution of the trusts reposed in them by parliament.—17. That 1,000,000*l.* be granted to his majesty, for discharging the interest of such Exchequer bills as may be paid off in the course of the year 1806."

[VOTE OF THANKS TO ADMIRAL DUCKWORTH, &c.] Mr. Grey (First Lord of the Admiralty) rose and said, that since he had the honour of a seat in that house, he had never risen to perform so agreeable a duty as that which was now imposed upon him. To say that he anticipated the unanimous opinion of the house, and their approbation of the motion he had to make, would be to express but coldly his feelings of the sense they entertained of that most meritorious and important public service which had been lately performed. In speaking of the success of the brave sir J. T. Duckworth, and of those officers who had seconded him with so much gallantry, he could not speak, as heretofore, of a victory gained over a superior force of the enemy; but this circumstance did not in any degree lessen the merit of the brave admiral who commanded. The promptitude with which he left his situation at Cales, when he heard of the enemy's fleet being at sea; the skill that he displayed in taking a position to intercept them at the time they owed their escape merely to the superiority of their sailing; the arrangements that he made to pursue them; and the immediate resolution he formed upon his arrival at the West Indies to attack them, although they were reported to be much superior in number, were deserving of the highest praise. As he approached them, he learned that their squadron had been divided, which division will, in all probability, afford another occasion for a new triumph. The fleet with which he had to contend, were anchored near the town of St. Domingo; they at first endeavoured to escape, but when they found that

that was impossible, they made such a resistance as added to the glory of the brave admiral, and of the gallant officers who seconded him. The whole of the enemy's fleet were, after a short engagement, captured or destroyed. In whatever light this victory was considered, whether as adding to the naval glory of the country, or as affording an additional protection to its commercial interest; whether as giving increased means for the prosecution of the war, or for the future security of a peace; the grateful acknowledgements of that house and of the country were due, in the first place, to Providence, that had so often afforded its signal protection to the British empire; and, next to Providence, their thanks were due to those brave men, whose gallant exertions had achieved those victories which were the subjects of national triumph, and the causes of the security which was generally felt. Upon the present occasion, he thought he might venture to say, that those marks of royal approbation, which were generally given upon similar events, and which might now be expected, would not be withheld. He thought it would be unnecessary to detain the house, by making any further observations, and therefore concluded simply by moving the following resolutions:—1. "That the thanks of this house be given to vice-admiral sir John Thomas Duckworth, knight of the most hon. order of the bath, for the distinguished valour, ability, and conduct shewn by him in the action with a French squadron on the 6th of Feb. last, when all the line-of-battle ships of the said squadron were taken or destroyed.—2. That the thanks of this house be given to rear-admirals Cochrane and Louis, and to the captains and officers of the squadron under the command of vice-admiral sir J. T. Duckworth, who by their bravery and good conduct contributed to the success of that day; and that vice-admiral sir John Thomas Duckworth do signify the same to the rear-admirals and the several captains and officers.—3. That this house doth highly approve of, and acknowledge the services of the seamen and royal marines on board the ships under the command of vice-admiral sir John Thomas Duckworth, in the victory obtained over the squadron of the enemy on the 6th of Feb. last; and that the officers commanding the several ships do signify the same to their respective crews, and do thank them for their good behaviour." These resolutions were carried, *nem. con.* and the

speaker was ordered to signify to vice-admiral sir J. T. Duckworth

[WATERFORD WRIT.] Mr. Fox said, he wished that the day of the crown should be called in remembrance as to the non-arrival of the crown for Waterford. A considerable time now elapsed since the election place, and yet he understood that the return was not yet received by the crown. The return ought to be forwarded the day after the election. In the present instance the delay was extraordinary, and there were surmises that it was not purely accidental. He thought that if the return did not arrive the day after, he should, on Thursday, the sheriff of the county of Waterford be ordered to attend at the bar. The clerk of the crown was then examined. He said that the return had not been received by him. Mr. Fox gave notice of a motion on Thursday.

[DUBLIN PAVING BILL.] A motion was moved the further consideration of the Dublin Paving bill.

General Loftus complained that the Paving board had suffered in consequence of the suspension of the bill by lord Hardwicke, and that the suspension attached to the bill was a great inconvenience.

Mr. C. Wynne begged to be permitted to understand that this bill did not affect the question between lord Hardwicke and the Paving board, as the bill was to grant a certain sum for the paving, cleansing, and lighting of the streets of Dublin.

Lord De Blaquiere spoke in support of the Paving board, of which he was a member, and requested the house to pass this bill, to take time to ponder.

Mr. J. Latouche vindicated the suspension of lord Hardwicke, who suspended the bill in consequence of a commission of enquiry; and he contained many and strong observations against that board. He said that the report would be soon laid before the house, and gentlemen would then be enabled to judge of lord Hardwicke's conduct, and of the character of those who were of his opinion.—The bill was ordered to be read a second time this day three weeks.

HOUSE OF LORDS
Wednesday, March 26, 1806.
[MINUTES.] The 10,5

1,500,000*l.* Exchequer Bills bills, the Spirit Excise Duties bill, and the Felons' Transportation bill, were read a 2d time and committed.—Mr. Johnson, from the Office of the Chief Secretary for Ireland, presented several Accounts and Papers pursuant to the Act of the 44th Geo. III. which were ordered to lie on the table.

HOUSE OF COMMONS.

Wednesday, March 26.

[*MINUTES.*] Mr. Holford brought in a bill for forming the Philanthropic Society into a Corporation, which was read a first time, and ordered to be read a 2d time. Mr. Johnson, from the office of the Chief Secretary for Ireland, presented an account of all Offices granted in reversion in Ireland, with the periods for which granted, and the dates of the grants.—Mr. Rix, from the Excise Office, presented an account of the Malt charged with duties for the two years ending 5th Jan. 1806.—Mr. Eardon brought in a bill for the better regulation of the admeasurement of Coals seaborne, which was read a first time.—Mr. Vansittart obtained leave to bring in a bill to empower the Commissioners of the Treasury in Ireland to issue Treasury Bills on the credit of the Supplies for the year.—General Tarleton gave notice of his intention on the day previous to the house adjourning for the Easter Holidays, to submit to the house a motion on the State of the Military Defence of the Country, particularly on the Defence Act, provided this subject was not in the mean time taken up in another quarter.—Mr. Tierney mentioned that he wished to propose an alteration in the Treating bill, and would move that it should be committed now, printed as amended, and afterwards re-committed. The bill was accordingly committed, passed the committee, reported, ordered to be printed as amended, and to be re-committed on Monday the 21st of April.

[*COMMITTEE OF SUPPLY.*] On the motion of Mr. Vansittart, the estimates of the charges of the establishment in New South Wales, the Plantations, &c. and the account of exchequer bills issued under an act of the 39-40 of George III. were ordered to be referred to the Committee of Supply. The house resolved itself into a committee. Previous to the first resolution being put, that a sum not exceeding 3 millions be granted to his majesty, for paying off exchequer bills,

Mr. Vansittart made several observations on the subject. He said that the Bank of England, with that liberality which distinguished all their proceedings, had expressed their willingness to extend the accommodation, on condition of receiving only 3 per cent. instead of 5, to which they were entitled. It was nevertheless necessary, as a point of form, to vote the present resolution.

Mr. Tierney, so far from thinking the conduct of the bank liberal, thought the nothing could be more illiberal. The bank lent this 3 millions to government for years, without interest, as the price of the charter, which had been granted to them on terms which in his opinion ought not to have been allowed. They now came and offered it at 3 per cent. and then talked of their great liberality, when it was well known that, owing to the restriction on the issuing of specie, and the substitution of bank-notes, they had not only not lost sixpence by this loan, but had been enabled to make very extraordinary profits, of which, indeed, they had boasted and which certainly should have had the effect of rendering them a little more generous to those through whose means they had obtained them. This accommodation did not cost the bank one farthing beyond the paper on which the notes were printed. He did not object to the resolution but he rose merely to state that the bank had driven a hard bargain, and made an ungrateful return to the country for the privileges that had been granted to them.

Mr. Vansittart thought that the sacrifice of 60,000*l.* a year was a proof of very great liberality.—He did not pretend to deny that the bank had derived considerable advantages from their charter; advantages, indeed, much more considerable than were contemplated in the first instance; but certainly, comparing what the charter prescribed with what the bank had voluntarily offered, the offer must be deemed a liberal one.—The following resolutions were then put and agreed to, *viz.* 1. "That 3 millions be granted to his majesty, for paying off and discharging the exchequer bills made out by virtue of an act of the 39 and 40th of his present majesty, intitled 'An act for establishing an agreement with the governor and company of the bank of England, for advancing the sum of 3 millions towards the supply for the service of the year 1800,' outstanding and unprovided for.—2. That 30,000*l.* be granted

discharge bills drawn, and to be drawn, from New South Wales, which may become due in the course of the year 1806.

—3. That 8,250*l.* be granted for defraying the charge of the civil establishment of the province of Upper Canada, in America.—4. That 7,165*l.* be granted for defraying the charge of the Civil Establishment of the Province of Nova Scotia.—5. That 4,650*l.* be granted for defraying the charge of the Civil Establishment of the Province of New Brunswick, in America.—6. That 3,100*l.* be granted for defraying the charge of the Civil Establishment of the Island of Saint John, in America, now called Prince Edward Island.—7. That 2,040*l.* be granted for defraying the charge of the Civil Establishment of the Island of Cape Breton, in America.—8. That 2,565*l.* be granted for defraying the charge of the Civil Establishment of the Island of Newfoundland, in America.—9. That 4,400*l.* be granted for defraying the charge of the Civil Establishment of the Bahama Islands, in America, in addition to the salaries now paid to the public offices out of the duty fund, and other incidental charges attending the same.—10. That 1,030*l.* be granted for defraying the charge of the Civil Establishment of the Bermudas or Somers Islands.—11. That 600*l.* be granted for defraying the charge of the Civil Establishment of the Island of Dominica.—12. That 12,819*l.* 9*s.* 4*d.* be granted for defraying the charge of the Civil Establishment of New South Wales; all the above from the 1st of Jan. to the 31st day of Dec. 1806.—13. That 1,420*l.* be granted towards defraying the charge of the superintendence of Aliens, according to the provisions of an act passed in the 45d year of his present majesty, for the year 1806.”

[CAPE OF GOOD HOPE.] Mr. Vansittart moved the 3d reading of the bill for regulating the trade of the Cape of Good Hope.

Mr. *W. Keene* supported the motion, making a number of observations, tending to shew his sense of the importance of that settlement, and the expediency of retaining it in our possession in the event of a peace.

Lord *Garlies* took the opportunity of asking the gentlemen opposite, whether or not it was intended to take any parliamentary notice of the brilliant achievement of those gallant men by whose zeal and exertions that important possession had been reduced. A considerable part of the honour attending this exploit belonged to the military. Perhaps the conquest not being

completed might be the cause of tenderness in calling for the same house on this subject.

Lord *Henry Petty* observed, that of his hon. friends who were immediately connected with the militia were present, he felt some in answering the noble lord's question was not aware that any motion, nature alluded to, was in agitation had no hesitation in giving it as his opinion that such a motion would be until the conquest had been completed. It may seem paradoxical to say that a mode of increase is preferable to a gradual and less alarming to the public. A gradual rise would have led to a position that this was a fund to be drawn to an indefinite extent, but but at once to its natural limits, the less suspicion of future augment

Lord *Castlereagh* rose to submit in illustration the propriety of proposing of thanks to the gallant officers. Towards the close of the last year the thanks of the house were not the conquerors of Egypt until the conclusion of the campaign. In his opinion the degree in which our troops distinguished themselves on the operation was sufficient to induce them to express a grateful sense of the conduct.

Lord *Henry Petty* repeated, that the conquest was incomplete, and would be premature.

General *Tarleton* pressed the necessity of an immediate vote of thanks to the gallant services that had been rendered. He deprecated the idea of forbearing to give thanks until the whole conquest was completed. A large body of the enemy lay at the Cape, it was impossible that the laurels of the brave troops had gathered should be withered by that event; but the troops were deprived of that honourable distinction which he was desirous should be conferred on them.

Lord *Henry Petty* observed, that of a conversation like the present he was better for any hon. gentleman's opinion, he wished, to bring forward a proposition on the subject.—The bill was read the 3d time and passed.

[IMPEACHMENT OF LORD MELVILLE.] Mr. *Whitbread*, in consequence of a notice which he had given yesterday, submitted a motion to the house, that the trial of lord Melville, The

said, that the motion of which he had given notice for the house being present at the trial in a committee of the whole house, he considered to be so much a matter of course, that it was with extreme surprise he first learned that any opposition was meant to be made to it. It was so completely incomprehensible to him what could be urged against his present motion, that he should not think it necessary now to endeavour to anticipate what might be said, but hoped the house would indulge him with a few words in answer to any thing which might be advanced on the other side. He then moved that the house be present at the trial of lord viscount Melville, as a committee of the whole house."

Mr. *Robert Dundas* (son of lord Melville) said, the hon. gent. in making his present motion must be aware that its effect would be, to necessitate the house of lords to address his majesty for having Westminster-hall fitted up for the purpose of their proceeding to the trial. That, however, being the case, he hoped he might be entitled to say a few words on the subject, by which he hoped to be able to make it appear, not only that such a step would lead to the highest inconvenience, but would, perhaps, be the source of gross injustice and oppression by the delay and expence which such a proceeding would produce. Whenever any question occurred in which it might be necessary for the house of lords to deliberate, all that would be required, if the trial proceeded in their own house, would be, for the managers to retire till the question was discussed. But, if the trial proceeded in Westminster-hall, the lords would be obliged, on every such occasion, to retire to their own house, and if they continued debating till near the usual hour of adjournment, there would be little chance of their returning to the hall that day. In this way it was a fact, that not less than two or three days of delay would take place in the one case for one in the other. He trusted he did not ask too much of the house in hoping, that in the pursuit of justice they would not be guilty of oppression; that they would not adopt a mode of trial which would be vexatious in point of time, and ruinous in point of expence. He thought the case of Mr. Hastings would have been sufficient to warn the house against the adoption of a proposition like the present. He had no doubt the managers would conduct the case with all the

expedition in their power; but it would not be in their power, or in that of the accused, to do so in Westminster-hall. The hon. gent. himself (Mr. Whitbread) unquestionably, in his opening speech against lord Melville, alluded to an impeachment to be tried in the house of lords, and by referring to the case of lord Macclesfield was a sufficient proof of this. He trusted the hon. gent. would not now depart from that idea, and revert to the other more severe, inconvenient, and oppressive mode. The case of lord Macclesfield, on which the hon. gent. himself had dwelt, was tried on the bar of the house of lords. It occupied only 21 days; and the case of Mr. Hastings which was tried in Westminster-hall, lasted for eight sessions. Though the accused here preferred impeachment to criminal prosecution, he hoped the hon. gent. would not now turn round on him and deny to him the mode of trial which he himself had on pointed at, and insist on one much more oppressive in its nature and effect. The matter might occur to him more forcibly than to other members of the house, but he hoped the house would excuse him stating it. The hon. gent. was in possession of ample documents to convince him that the private fortune of the individuals here accused was not adequate to the support of an expensive trial; and when equity, justice, and before the same tribunal might be procured at a smaller expence, submitted that it could never be the wish of the house, or of the hon. gent., to purchase it at a greater expence to the public. The hon. member declared that he should not press the matter to a division, if the sense of the house seemed to be against him, as the matter might strike him differently from what it might occur to others. He concluded by cautioning the house, in their search after substantial justice, not to go into the extreme of substantial injustice.

Mr. *Tierney* said, that when the hon. gent. had at last come to the resolution of impeachment, he had trusted, that no other question on the subject would have been introduced. He was far from wishing to say any thing that might hurt the feelings of lord Melville; and he could help bearing his testimony to the propriety with which the hon. gent. opposed the motion had conducted him during the whole course of the discussion; but he was confident the house could not hesitate to adopt the motion before the

The substantial ends of justice might, indeed, be attained by a trial at the bar of the house of lords, but not with the same satisfaction to the public mind. He had always preferred the trial by impeachment, as more applicable to the high rank of the person accused, and the nature of the charges brought against him; and for the same reason, he thought that the trial should be conducted with every possible solemnity, so that the public might be convinced that no rank or station, however high, could protect any man from a solemn decision. The public expected this solemn trial, attended with every degree of publicity, and would not be satisfied without it. With regard to its bearing hard on the private fortune of lord Melville, a similar plea had been urged by Mr. Hastings, but it had not been listened to by the house. The hon. gent. also complained of the delay that would ensue; but this house would not be accountable for any delay that might take place. The house were prepared to establish their charges, and such complaints might be addressed with more propriety to another house. In fact, all the difference in respect of time between a trial in Westminster-hall, and one at the bar of the house of lords, would merely be in their lordships travelling at times between the hall and their own house. He concluded by giving his support to the motion.

Mr. *Banks* said, he could see nothing to persuade the house to do that in lord Melville's case, which it had found so inconvenient in that of Mr. Hastings. In the course of that trial the delay was disgraceful, and the expence intolerable. He had all along been against sending any accused person to be tried in Westminster-hall, if any other place could be found where the ends of justice could be obtained; and he had formerly contended against taking this case from the ordinary course of law. He was sorry when the house had come to a different determination; but he still hoped, that they would not adopt that mode of trial, which, in the case of Mr. Hastings, had done them no credit. Every end of justice would be fully answered by a trial at the bar of the lords, while the solemnity, the dignity, and decorum requisite on such an occasion, were liable to be interrupted in the promiscuous assemblage at Westminster-hall. Was the case of lord Macclesfield of less importance than the present? Were the feelings of the public less interested by it, and less roused on

that occasion? But in his case, a trial in Westminster-hall was not thought necessary. An hon. gent. had said, that it was necessary to satisfy the expectations of the public; but if they expected any thing beyond the distribution of justice, he did not see how they were entitled to be satisfied. But it might be said, that they looked forward to a great public spectacle; he believed, however, that the public held such spectacles in abhorrence. The trial of Mr. Hastings had completely disgusted them with such exhibitions. If the 21 days trial of lord Macclesfield were compared with that which lasted eight sessions of parliament, it would be easy to see which deserved the preference. The various necessary delays that must ensue, and the time that must be consumed in a thousand ways, were all arguments against a trial in Westminster-hall. Even the money that might be necessary to fit up Westminster-hall, should not be lightly thrown away at the present moment. We were so much in the habit of voting large sums, that small sums lost their importance, and dwindled into insignificance; but the present was a period which called loudly for every degree of parsimony consistent with the public service. Neither ought the individual, who is the object of impeachment, to be loaded with one shilling of unnecessary expence. On all these grounds he opposed the motion of the hon. gent.

Lord *Folkestone* contended, that it was unfair to contrast the trial of Mr. Hastings with that of lord Macclesfield, or to ascribe the great length of the former to the time consumed in the forms attendant on such a mode of trial. It was owing to very different circumstances; to the variety of the charges brought against him, and the complicated nature of the evidence by which they were supported. It was a principle of the constitution, that all trials should be conducted in as public and open a manner as possible; and surely, this principle operated with the greatest force in the case of an impeachment. It certainly could not be held so public at the bar of the house of lords, for there the space below the bar was so small that it would not accommodate the committee of this house. With respect to the expence, he believed it would be found less than gentlemen conceived. A great deal depended, in his opinion, upon parade and show; as useful and salutary lessons might be drawn from the solemnity of the scene. As to the objection, of its inter-

rupting the course of business, he must observe, that if the trial was carried on in the house of lords, the judges must attend, and therefore the business of the law courts would be suspended in the same manner.

Lord *Henry Petty* said, that though he differed in opinion from the hon. gent. who had preceded the noble lord, yet he was not surprised at the arguments he had advanced. He had originally opposed the mode of trial by impeachment, and might therefore be consistent now in resisting a trial in Westminster-hall; but to hear those who had preferred impeachment, from the consideration of the rank of lord Melville, and the nature of the offence with which he was charged, concur in the arguments of the hon. gent., and opposing now the ancient and constitutional mode of conducting that impeachment, was rather extraordinary. The hon. gent. had said, that the trial of Mr. Hastings reflected disgrace on the house. He, for his part, was not aware of any such disgrace, though he had heard it had been attended with much inconvenience. The present case, he said, differed widely from that of Mr. Hastings. Here all the charges, and all the evidence adduced in their support, bore distinctly on one point. He contended, that if the house did not agree to the motion of his hon. friend, it would amount to a declaration, that all the ancient and constitutional forms of impeachment were impracticable. The expence attendant on this mode of trial had been stated as an objection against it. It was not the expence of paper that might be consumed, or of benches that might be erected, but the want of those constitutional enquiries into misapplications of the public money, that could ever prove ruinous to the country. The danger of the country was great; the danger which now impended over its finances would be the result, not of enquiries, but from neglect of attention to those constitutional prosecutions, which are at once the protection of the public, and the surest means of guarding its purse. The hon. gent. had stated the situation of the noble lord as being peculiar. So indeed was the situation of the public. It will be my lot, said the noble lord, and arduous will the lot be, to propose in a few days a large augmentation of the public burthens. If I may be allowed to feel more than any other man the importance of convincing the public that their money is rightly applied, and that their burthens should not

be unnecessarily increased, it must be an anxious wish that every species of enquiry should take place, that they shall see their interests are upheld. With respect to the case of the noble lord, it is highly essential to their interests, that the utmost notoriety and publicity should be given to the trial in order that they may have an opportunity of attending it, to witness their interests protected and discussed. They will likewise have the satisfaction of knowing should the noble lord be acquitted, that the grounds of the clamours raised against him who support the enquiry are totally false. They will have this satisfaction, and they will also have the satisfaction of seeing ample justice done to the noble lord's character. So much for the subject of public expence. With respect to the subject of the expence to the noble lord, that in either in the event of acquittal or condemnation, be a fit object of future discussion. The noble lord wished for all consideration of that nature to be deferred. The first object was the attainment of substantial justice in the most clear and public manner that would be obtained by a trial in Westminster-hall, and he was consequently impelled to vote for the motion of his hon. friend.

Mr. *Rose* declared that he was one of those who preferred the mode of trial by impeachment in preference to that in court of King's Bench, because he thought the peculiar situation and dignity of the noble lord required it: but he was also of opinion that the object of the house would be much better and more effectually attained by prosecuting at the bar of the house of lords, than by proceeding with tedious forms and ceremonies in Westminster-hall. In advancing that opinion, he was supported by the result of the trial of lord *Nesfield*, which was concluded in 21 days from its commencement. With this precedent on the one side in favour of the trial at the bar of their lordships, and that of *Hastings* against a trial at Westminster-hall, he thought that few men could hesitate to make a choice, or decide which mode would be more eligible. His reason for thinking that the trial at the bar of the lords would be more public was, that every person might go into the house of lords, when the doors were open, without special permission; every member in the house must know that no person but a member of either house of parliament could attend the proceedings at Westminster-hall, without

admission or leave of a peer. The noble lord (H. Petty) had mentioned his feelings and anxiety in being obliged to impose taxes; the noble lord had also lamented the difficulties which surrounded him; he was as sensible as any man of those difficulties, which he knew to be very great; but he was also sure that the country possessed resources fully adequate to meet all difficulties, dangers, and emergencies: and with that impression on his mind, he did not think there was any room for gloom or despondency.

Lord H. Petty, in explanation, said, that he had not spoken in gloomy language of the financial prospects of the country. He had said, that the country could only be ruined by a want of principle in those who directed its resources.

Mr. Whitbread said, he felt a due sense of the decorous conduct of the hon. gent. who commenced the debate, and should be ready to take every opportunity of acknowledging it. The hon. member had, as it were, put himself on the mercy of the house and entreated it not to adopt a mode of proceeding which would be harassing and oppressive to the noble person who stood accused. He assured the hon. gent., that he would be the last man in the house who would support any proceeding of that description; it was not in the contemplation of himself or the managers; and he could also undertake to say, that it was as little the intention of the other members of the house, with whom he had the honour of acting, to press lord Melville to a trial, vexatious or harassing, but it was their intention as well as their duty, to carry on proceedings against that noble lord with the solemnity and notoriety which had distinguished this country on such occasions from every other in Europe and tended so essentially to establish its fame. If the hon. gentlemen on the opposite side pushed their arguments, the consequence would be, that they must desire parliament and the country to get rid of all public trials, to exclude audiences from the very courts of justice, and, in fine, from every place in which the laws of the country were to be administered. But he differed from the hon. gent. in this respect, and thought that publicity was necessary in trials of every kind, and the best guard for the security of persons and property, as well as for the discharge of great public trusts. It was a little singular, however, that in this particular case the mode was the choice of the noble lord's friends; for

surely, when they reversed the the house for a criminal prosecution of King's Bench, they in the present mode of trial in which since the Revolution, Westminster the only place in which trials ment had been conducted, with tion of lord Macclesfield's case ask, whether the shortness of man's trial was attributable tried at the bar of the house o answer to this question would b it was considered that there w objections made at the trial; might be concluded in as sh Westminster-hall as in the ho He was ready to admit, that I red to the case of lord Maccle debates respecting lord Mel view to shew, that the prece Hastings's trial should not house from adopting the trial ment; but when he urged tha he had no mode of trial in c but that which the managers re The house must be aware that test had been entered on that the journals of their lordships mode of trial pursued in the noble lord. The hon. gent. v following extract from the s "Because we are of opinion, "concerns the honour and di "house, in all cases of law "that the trial should be in th "lic and solemn manner; the "suitable to the laws and con "this kingdom in all cases "but is more especially requi "secution of the commons o "tain begun and carried on b "sentatives in parliament; fe "sons we think, that this tria "had in Westminster-hall, as "bar of the house, where it i "as we conceive, to provid "other conveniences for the "of the house of commons, an "of the subjects of this kingd "be desirous to be present "—The hon. gent. was readi to comprehend the right hon (Rose), when he stated that tha be more public at the bar o of lords than in Westminster- not the members of the ho mons wish to attend that tria they could not satisfy thei the former place, for want of

me of the hon. gent. as well as he could collect, was Mr. Fazakerley. He certainly thought that this trial should be held in Westminster-hall, as the place most suitable to the dignity of the house and the country. In reply to the right hon. member's observation as to the peers' admissions, he could say that the question was still the same; for if the peers could exercise a privilege in the one place, they were entitled to exercise it in the other. The simple point therefore arising from this part of the subject was, which of the two places was capable of holding most people. The hon. member (Mr. R. Dundas) said that he was acquainted with the private fortune of lord Melville. Certainly, in the prosecution of their duty, the managers had come to the knowledge of many private circumstances, which it was impossible for them to separate from the public transactions of that noble lord. He could not agree, however, that because a person against whom a charge had been preferred, represented smallness of fortune and inability to support the expences attending trial, that therefore all proceedings should be shaped in conformity to his wishes. If this argument were allowed, it would destroy all prosecutions; for the party accused had only to lead poverty, and thus escape, perhaps, from the punishment which he merited. The house of lords deemed it essential to the interests of the public, that Mr.

why the trial should take place in Westminster-hall, rather than at the bar of the house of lords. He did not say that there ought to be no impeachment; but he contended that it was of the essence of justice that it should not be dilatory nor unnecessarily expensive. Every person, as a hon. friend of his had observed, was to be presumed innocent till he was found guilty. He therefore, for the present, presumed that lord Melville was innocent; and in this view, the mode of proceeding now proposed would bring the punishment of guilt on an innocent person. He did not consider this as a party question, but asked whether it was just or generous that a person who, setting the present affair aside, had rendered essential service to the country, and was therefore entitled to its gratitude, should, by the enormous expence to which he would be exposed, be condemned for the remainder of his life to wait and poverty? The noble lord (H. Petty) and the hon. gent. who spoke last, had reverted to the old mode of proceeding, as to the trial of Mr. Hastings; but was there a lawyer in Westminster-hall who did not consider that trial as an abominable disgrace? The Judge Advocate (Mr. Bond) in proposing a criminal information, had argued respecting this abomination, the awful stigma, with the greatest eloquence. Why was he not here to-day to support his argument? He concluded by again

arguments of his hon. friends. It was said that he and his friends were inconsistent in having first wished for the impeachment, and then endeavouring to have it conducted at the bar of the house of lords. Where was the inconsistency? They wished for impeachment still in preference to information, but they wished at the same time that it should be carried on in the manner least oppressive to the individual accused. Was there any novelty in having the impeachment at the bar of the house of lords? No; for the trial of lord Macclesfield was conducted in this manner. But even if there had been no instance of this kind, he would have been desirous of introducing that novelty, because he thought that course the most proper which united the essential attainment of justice with the least oppression to the individual. As to the point of inconsistency he, as the person who, in case the mode of information had been adopted, would have had the business to manage, had felt the difficulties that would attend this course of proceeding. The managers had better means of acquiring important information by the mode of impeachment, and in fact it was not till of late that they had discovered what to them appeared matter of great consequence. Now, what would have been the situation of the case, if, instead of having an additional article, as now, he should have had to make this an additional count in his information? They talked of the inconsistency on his side of the house. Now, was there no inconsistency on the other? They first voted for an impeachment indeed, but they subsequently voted for a criminal information. Why did they do so? Would the trial have less publicity at the bar of the house of lords than in the court of King's Bench? The privacy *then* was no objection. It was strange that they should *now* insist so much on publicity. A right hon. friend of his (Mr. Tierney) had asked, whether the argument against this solemn impeachment would not go to all cases? Even if it had, that would not have deterred him from preferring the trial at the bar of the house of lords. He certainly valued the privilege of impeachment highly; and this was the very reason why he wished it should be conducted in the least oppressive mode, as otherwise it would be in danger of falling into disuse. His hon. friend under the gallery, (Mr. Bankes) had been so impressed with the inconveniencies attending the trial of Mr. Hastings, that he had formed a resolution to oppose the impeachments which course could be adopted. But it was desirable we should have it without the inconvenience then adverted to the great difficulty of making in point of time; and so the great object ought to be to the mode of trial by impeachment thing oppressive and embarrassing.

Mr. Secretary Fox rose to trouble only with a few words. But soon fell from the hon. and learned gentleman, induced him to trespass on for a moment. That hon. and learned gentleman had charged him, and those with him in thinking that he ought to be brought to trial, and then for a criminal information had done so undoubtedly; but circumstances? The house in mind, that the question between them and those who opposed criminal proceedings whatever, and every nerve in order to prefer of trial. He had then stated the induced him to act as he had the hon. and learned gentleman had per to say nothing about them might have forgot them, he them again. If the pure question whether there was to be an information or a criminal information? he preferred an impeachment. He saw that the motion for an information was lost by a majority, however he had no alternative but to eligible mode of proceeding have none at all. But how majority procured? Why; by two parties, one of which intended to stop all proceedings. The relations of lord Melville, who ward and supported this project certainly justifiable in what anybody could be more alive to of relationship, or of friendship was; but at the same time that they were not exactly whose directions were to be in this instance. How did the A motion was made for a criminal information, and at the time it was only insinuated that this was the on account of the comparison of the expence, the accused but afterwards it appeared that Melville, upon re-consideration, the advantage of the additional preferred the mode of impeachment.

it ever said or insinuated that the impeachment was not to be conducted in the most solemn manner? Not an idea was entertained that the trial would not be allowed to proceed in the way best calculated to answer the ends of public justice. On the contrary, the cordial support of the hon. gentlemen was promised to the managers who were to conduct the impeachment. He had no doubt of the sincerity of that promise, and as little did he doubt that the present opposition of the hon. gentlemen proceeded from their conviction that they could conduct the business much better than the managers who had been appointed for that purpose. But then he might be afraid of such friends. They had voted against all criminal proceedings whatever, and certainly the bias therefore ought to be against them. With regard to the length of time, his hon. friend had given sufficient reason to suppose that the difference would not be material; and as to the argument of the right hon. gent. (Mr. Rose), who maintained that a trial at the bar of the house of lords would be as public as one in Westminster-hall; he was convinced that his reasoning would have very little influence on the house. Now, why should we resort perpetually for directions to those who had opposed all criminal proceedings in this case? It was an old rule of the house, which was now dropped, perhaps properly, but which was not without some grounds to support it, that no persons should be allowed to speak in a committee on a bill who opposed the principle, because it was thought that such persons would not make any alterations in the detail which would promote the object of the bill. As to the policy of the conduct of these gentlemen with regard to themselves, that was their business; but, in a public view, it would be the worst policy in the world to raise even a suspicion of a collusion with those who opposed the bringing of lord Melville to trial in any way. Could any man doubt with regard to the publicity of this affair, that all the arguments which went to shew the advantage of an impeachment over a criminal information, went also to prove the advantage of a trial in Westminster-hall, above one in the house of lords? Were they not aware that all the arguments in favour of solemnity and publicity, which had once been urged in favour of an impeachment, might now be turned against themselves? "A public spectacle!"

said an hon. gent. opposite to him. Will he hoped that every trial of this kind would be rendered a public spectacle, and that many as possible would be admitted to them; not, indeed, with a view to influence them; but that those who were concerned in such trials, might feel the responsibility of their situations and characters; that the public might be satisfied that every thing was fairly conducted, and that the decision, whether one way or the other was given with that deliberation and impartiality, which the circumstances of the case required.

Mr. Canning said, that after the speech of the right hon. gent. (Mr. Fox), when it was considered how much war he had thrown into that speech, he scarcely knew what course he had to take. It was decided that the strong arm of government was to fall upon lord Melville, perhaps it would be as well if gentlemen that side of the house were to hold their tongues altogether. The right hon. gent. besides imputing to them the greatest inconsistency, seemed to consider, that every argument which came from them should be received with the greatest suspicion. The hon. gent. had also stated, that it was possible that those who voted for the impeachment could have then in their contemplation that such impeachment would be regulated by the precedent of lord Mellesfield's case, rather than by that of other precedents of impeachments in Westminster-hall. It, however, was natural that they should look to that case, which was the only one cited at that time. For himself, he trusted that his assertion would deserve as much weight as the general assertion of any other gentleman; he must declare that he had this case in contemplation when he voted for the impeachment. The right hon. gent. had pressed surprise that they did not look to the last precedent; that of the trial of Hastings. That was a case of which not only the public opinion, but parliament itself, had pronounced upon, when it appointed a new judicature to try offences that nature in future. As to the authority of arguments being lessened when coming from relations or private friends, he thought there should be full as great a diminution from their authority when they came from persons of a contrary description. For example, a noble lord (Henry Petty) held nearly the following language: "I feel disposed to shelter lord Melville

private friends, but I feel as chancellor of the exchequer." Whether the feelings of nature, or the sensibilities of office, deserved the greater respect, he left it with the house to determine.

Mr. *Whitbread*, in explanation, said, that when he had cited the case of lord Maclesfield, he only meant to shew, that impeachments were not necessarily attended with great delay; but as a right hon. gent. (Mr. Canning) had mentioned what was in his contemplation, he should also mention what passed in his; he had intended originally to move, that the impeachment should be in Westminster-hall, and had mentioned it to the late Mr. Pitt, who made no objection to it.

Mr. *C. W. Wynne* supported the motion on constitutional grounds. Impeachment was the best mode of proceeding, and it was proper to have it as open as possible. The house of lords might be thrown open, but few could get in. He expressed his surprise at the logic of some hon. gentlemen. Because Mr. Hastings's trial had lasted eight sessions, did it follow that all trials conducted in the same way were to last an equal time? The great delay that took place on that occasion might be attributed to other causes. In an impeachment, the house of lords had the right of choosing the days of trial, and adjourning it as they pleased; and during the trial of Mr. Hastings, there was one year in which but four days were appointed for the trial.

Mr. *Wallace* said, he was one of those who from the beginning, disapproved of the prosecution of lord Melville, and who thought there had not been a sufficient ground of accusation made out against him. His opinion was unaltered; but since the trial was resolved on, he thought the great object at present was, that speedy justice should be done, and with as little vexation as possible, to the party who was the object of the trial. The proceeding itself inflicted a very severe penalty on the defendant, and would draw down the punishment of guilt upon the head of a person who might be innocent. As to the arguments that had been relied on, of the superior publicity and solemnity of the trial at Westminster-hall, they made but little impression on his mind. He did not consider the publicity of a trial to depend entirely upon the number of persons who were present at it. The proceedings of the court of King's Bench had, as he thought, sufficient publicity, and yet that court was

so small, that it was not capable of being attended by many persons; and when the question was considered, he could not see that much additional solemnity was gained either from the place or the number of persons who were present. These circumstances might produce considerable irritation in the public mind (which perhaps was what was wanted), but it might gratify the vanity of the members of the house of lords, in giving them a better opportunity of displaying those talents which they might fancy they possessed. He still greater objection to the trial at Westminster-hall, when it was recollected that the chief justice of the court had made a minister and a party in it as it was in the power of government to do so.

Mr. *Grey* could not exactly say what the hon. gent. meant by making observation; for whether the trial was in Westminster-hall, or in the house of lords, lord Melville would in either case have the same rank as a peer of parliament, and not as a commoner. As to parliament having shown its approbation to the impeachment proceedings, by establishing an East India bill, he must observe, that the impeachment was made in 1784, when the impeachment of Mr. Hastings began, and, if parliament meant to show its approbation to impeachments, it might as well have created an East India bill, but a general judicature, which would have been formerly done. A right hon. gent. (Mr. Canning) had spoken of "the strength of government being directed against Melville." He should have said whether on a former occasion he was connected with administration, or the strong arm of government" he had exerted to withdraw lord Melville from justice, and to protect him from which the house had brought him. But how was it that government should be said to use their power? He wished to give the greatest publicity to the trial, and publicity had always been the best defence of the strong arm of government. The general question had been discussed; and should only be a difference of expence between Westminster-hall, and at that time he thought nothing had been suggested in the course of the trial.—The motion was then put a

HOUSE OF LORDS.

Thursday, March 27.

[**INSOLVENT DEBTORS.**] Lord Holland, advertent to the petitions on the table from the debtors confined in different prisons, observed, that he had hitherto declined to bring forward any measure upon this subject, from a consciousness that he was unequal to the task. The unfortunate situation, however, in which many of his majesty's subjects were placed by being confined for debt, would not allow him to delay bringing forward a bill for their relief. He therefore gave notice that he should, next week, bring in a bill of that description in the form which had several times been sanctioned by their lordships for the relief of Insolvent Debtors. After the bill had been read a first time, he intended to give a very short notice of the 2d reading.

[**IMPEACHMENT OF LORD MELVILLE.**] Mr. Whitbread, and several other members of the house of commons, brought up a message, purporting that the house should attend the trial of lord viscount Melville, in a committee of the whole house, and requiring accommodation to be provided for them.

Lord Grenville said, it was perfectly clear that accommodation for the whole house of commons could not be provided in that house; the only mode therefore to be adopted in consequence of the message from the commons was to address his majesty, praying him to provide a place for the trial of lord Melville. There were other points also relative to the trial, to which he wished to call their lordships' attention. It was of the utmost importance that, in the progress of the trial, all unnecessary delay should be sedulously avoided. It was due to the prosecutors as well as to the noble lord impeached, that justice should be attained as speedily as possible. It was due to the prosecutors that justice should be done without delay, if the defendant were guilty; it was equally due to the defendant that the expences of his defence should not, in case of an acquittal, amount to or exceed any fine which could be imposed upon him, if he were guilty. Those complaints, so justly founded, which were made against the delay attendant upon the trial of Mr. Hastings, ought, in this case, to be carefully avoided. Impressed with these considerations, he intended to move, when his majesty's answer to the address should be received, to refer to the committee already appointed to search for

precedents, to consider of the best mode of proceeding in the trial without delay. There were, however, two or three suggestions which he would just mention to their lordships; the first was, that the trial when commenced, ought to be proceeded in from day to day until it was finished. If this mode of conduct were adopted, he was convinced it would go a great way towards attaining the ends of justice speedily as possible, whilst, at the same time, the trial would, in that case, be in a greater degree assimilated to a trial in court of law. Another circumstance to be attended to was, the hour of assembling, which, he thought, when fixed, ought to be rigidly adhered to, and no other business whatever to be previously entered upon. It would also be a great saving of time if some mode were adopted, or some understanding took place, with respect to collecting the opinions of their lordships upon any disputed point of evidence without their being under the necessity of retiring upon every such occasion to their chamber.—These suggestions he threw out for their lordships' consideration; but whatever might be the mode adopted, he trusted the great object would be to proceed through the trial without any other delay than was absolutely necessary. He concluded by moving for an address to his majesty, praying that his majesty would graciously please to give directions to prepare a place in Westminster-hall for the trial of lord viscount Melville.

Earl Stanhope stated, that he was one of those noble lords who attended during the long trial of Mr. Hastings, during which he could not avoid perceiving that there was often a lamentable waste of their lordships' time. He trusted that the delays which had then occurred would serve as warning to their lordships on the present occasion. He would venture to suggest one regulation, from which he thought much benefit would be derived: upon the trial of Mr. Hastings, it was customary for the house whenever any objections upon points of evidence arose, to immediately adjourn for the day to the parliament chamber. Now he thought it very practicable and reconcilable to the strictest forms of proceeding, that their lordships should receive the objection, and proceed (if the progress of the cause did not essentially depend upon it), to determine the point next day, or at some convenient opportunity, without impeding the course of the proceedings. To

frequent adjournments at that time were felt to be a very great inconvenience. It was remarked, by a witty member of that house during the impeachment, that it was the only trial in which the judges walked whilst the trial stood still.—The motion was agreed to.

HOUSE OF COMMONS.

Thursday, March 27.

[**MINUTES.**] Mr. Irving, from the office of the inspector-general of Exports and Imports, brought up an account of Imports and Exports from Tortola.—Mr. Johnson, from the office of the chief sec. in Ireland, brought up an account of the woollen yarn imported into that kingdom for a certain period.—Mr. Hase, from the bank, brought up an account of the amount of Exchequer bills issued under the act for renewing the Bank Charter, and an account of those that were still unprovided for.—Mr. Roberts, from the office of the Paymaster-General of his majesty's forces, brought up an account of the sums drawn from the exchequer for the service of the year 1805, and of the balances remaining in the hands of the Paymaster on the 5th of Jan. 1806.—Mr. Vansittart brought in a bill for farther continuing an act for encouraging the Fisheries, &c. Also a bill to enable the commissioners of the treasury in Ireland, to issue Treasury bills, on the credit of the aids of the year.—Mr. Huskisson moved for an account of the amount of the arrears, as far as they can be collected, on the Property Tax, for the years ending the 5th of April 1804, and the 5th of April 1805, respectively.—Mr. Fellowes moved for a committee to examine and consider the returns respecting the Non-resident Clergy, presented to the house on the 17th inst., and to report thereon.—Mr. Whitbread reported, that he had taken to the lords their message of last night, requesting them to provide accommodations for that house, in Westminster-hall, at the trial of lord viscount Melville.—Mr. Giles observed that the accounts laid before the house, of the expences of the commissioners for regulating the civil affairs of the Navy, were defective. He therefore moved, “that there be laid before the house, an account particularly specifying the several items composing the sum of 10,000*l.* for the year 1805, and the sum of 10,000*l.* for the year 1806, stated to the lords of the Admiralty by the commissioners for revising the Civil Concerns of the Navy, as the amount of the

expenses attending the business commission; together with an all charges or expenses hitherto red, or allowed by the said comm

[MILITARY ESTABLISHMENT] *Yorke*, pursuant to notice, rose in support of the bill relative to the operation of the *Levy en Masse* bill, to which he understood none of his majesty's ministers intended to object; and when he proposed his purpose, he trusted that the House would be of opinion it would be both necessary and expedient that those documents should be before them preparatory to the consideration of the plan of national defence. He understood to be now in the contemplation of his majesty's ministers, and he trusted to be hoped would be brought before them some period or other, in the full course of the year. By this bill, which had passed in 1803, it was intended, as one of defence against the menace to call out so much of the population of the country as were capable of bearing arms, who were to be divided into three classes, and, first, to be enrolled; secondly, to be trained to arms, during every month of the year; and, thirdly, to be rendered useful in any military purpose to which they might be respectively judged fitting. With respect to the dangers of invasion, he was of opinion that, if our navy continued to be victorious in its exertions, the instances of which had been numerous of late, there was not much probability of attack of that nature. Upon every occasion, though the government had made some progress in availing itself of the powers by this bill vested, yet he trusted it would prefer a voluntary service on the part of the militia, as so great a number of men put forward, beyond all expectation, the government would prefer the services of the militia to a forcible *levy en masse*; and he trusted that, totally abandoning the alternative of the *bill*, should it be necessary to bring it into effect. He had in his possession a copy of the returns made from every part of the country, in the first year of the number of men in each district, and what he now wished to refer to was, the returns of the year 1805. He hoped his majesty would have those documents before him, certainly would be important for the consideration of the House in the

plan of defence, whatever it was, now in contemplation, and for the explanation of which the public were extremely anxious, and particularly the volunteers, who were very desirous to be informed as to what was intended towards them. For it was extremely important, if the services of the volunteers were to be relinquished under the new arrangement, that not a single fire-lock or sabre should be taken from their hands until the country was assured of a more adequate establishment. He concluded by moving for the returns of men enrolled under the levy en masse act, in every district throughout Great Britain, in the last and preceding year.

Mr. Secretary Fox said, that so far was he from being averse to the production of the documents now moved for by the hon. gent. that he should support his motion. The subject was so very new to his own experience, that he knew very little indeed of the present state of the matter. However, as the bill had been passed now three years, and his majesty's present ministers had been so short a time in office, if any remissness or delay was chargeable in procuring those returns for the last two years, their share of the blame certainly was not the largest. He was pretty confident that the subject of the right hon. gent.'s motion would form a very principal feature in the plan of defence now in the contemplation of his right hon. friend, not now in his place, (Mr. Windham), who was certainly as anxious to bring his plan forward, and felt as much regret for the unavoidable delay that had occurred, as any other member of that house. As to the objects of his right hon. friend's plan, he should think it premature to say more at present; but he could assure the house, that no delay had occurred that was at all avoidable, and he hoped that in a very few days his right hon. friend would be able to bring his plan forward.

Mr. Sturges Bourne hoped the right hon. gent. would not bring forward his plan without timely notice. Indeed, as it had not come forward sooner, and so considerable a number of gentlemen must be absent during the assizes, who would wish to be present at the discussion of such a measure, he thought it would be desirable to postpone it till after the recess.

Mr. Fox expressed his hope, that his right hon. friend would be able, in his place to-morrow, to give notice of the day on which he should be ready to bring his plan forward,

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and if not then, on Saturday, if the hour should be disposed to sit on that day. But with respect to the suggestion of postponing the proposition of the plan until after the recess, he did not think that could be necessary, as it would be desirable to make some progress with the least possible delay, and to bring forward any bills on the subject that might be thought necessary.—The motion was then put and carried.

[WATERFORD WRIT.] Mr. Secretary Fox, pursuant to his notice on a former day, moved, that the deputy clerk of the crown be ordered forthwith to attend at the bar of the house. Upon his appearance Mr. Fox moved, that he be asked whether any return had been made to him by the returning officers for the election at Waterford, in consequence of the writ last issued for the election of a representative for that city? The question being answered in the negative,

Mr. Fox moved, that the sheriffs of Waterford do attend at the bar of the house on Monday fortnight.

Mr. Lee, with great deference to the right hon. gent., begged leave to suggest that although delay had occurred in the necessary return, still, on enquiry, it might turn out that no blame justly attached any where, and that the delay might be owing to some cause wholly different from either neglect or intention on the part of the sheriffs. He begged leave to observe therefore, that as a previous enquiry had been directed to the clerk of the hanaper here, it might also be expedient to direct a similar enquiry to the clerk of the crown and hanaper in Ireland, to ascertain whether any return had been made to his office by the sheriffs of Waterford, before those gentlemen were put under the necessity of performing a journey of six hundred miles, upon a business on which it might turn out they were not culpable.

Mr. Fox most readily acquiesced in the suggestion of the hon. gent.; withdrew his motion, and substituted another, "that the clerk of the Crown and Hanaper in Ireland, be directed to communicate forthwith, whether any return had been made to him, in answer to the writ to him directed for the election of a member for Waterford, and at what time such return was made?" The right hon. gent. at the same time, intimated, that if it should appear, that any great or extraordinary delay had occurred before the making of such re-

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turn, he should hold the sheriffs of Waterford answerable.

HOUSE OF LORDS.

Friday, March 28.

[MINUTES.] The Ten Million and a Half and One Million and a Half Exchequer Bills' bills, the Spirits Excise Duties bill, and the Felons' Transportation bill, were read a third time and passed, and a message sent to the commons, to acquaint them therewith.—Mr. Hawthorne brought up the Expiring Laws bill, the Cape of Good Hope Trade Regulation bill, which were severally read a first time.—Lord Grenville presented a message from the king, purporting that on account of the eminent services performed by vice-admiral sir John T. Duckworth, bart. his majesty is desirous of granting to him a pension of one thousand pounds per annum, for the term of his natural life, and trusts the house will concur in any measure necessary to carry such his majesty's intention into execution. On the motion of lord Grenville, his majesty's message was ordered to be taken into consideration on Monday, to which day the house adjourned.

HOUSE OF COMMONS.

Friday, March 28.

[MINUTES.] The Sheriffs of London presented a petition from the Lord Mayor, Aldermen, and Common Council, against the Coal Admeasurement bill, as touching on their right of Metage.—Mr. Briggs, from the Commissioners of Naval Revision, presented an Account of the intended application of 20,000*l.* granted this year, under the head of that commission.—A person from the Tax Office, presented an Account of the Net Assessments of the Duty on Property, for the year ending the 5th of April 1804; and several other Accounts on the same subject, which were referred to the Committee of Ways and Means.—Mr. Vansittart moved that there be laid before the House an Account of the quantity of British Plantation Sugar imported and exported for three years, ending the 5th of January, 1806; an Account of the produce of the War Duties on Goods and Merchandize, during the same period; an Account of the Amount of Duties on Tobacco for six years ending January the 5th, 1806; an Account of the quantity of Foreign Iron imported for the last six years, and the quantity of British unmanufactured Iron exported in the same period; an Account of the net produce of the Duties on

Wine for the last three years; of the quantity of Tea above 2*s.* sold at the East-India Company within the last six years, distinguishing year. Also an Account of the of the Duties on Auctions for the years. The several accounts were and the Inspector General of Imports presented them at the they were referred to the Committee of Ways and Means.—The Irish Trade bill and the British Fishery bill a second time, and ordered to be read to-morrow.—Lord Henry Petty presented at the bar a message from the king, which was brought up, and the chair as follows:—"G. R. being desirous of conferring a mark of his favour and approbation on the skill and gallantry displayed by the late vice-admiral sir John Duckworth, in an engagement with an enemy on the 5th of February last, in which the whole of the enemy's force was destroyed, recommends to the commons to take measures to the said sir John Duckworth a gratuity of 1000*l.* for the term of his natural life." On the motion of lord Henry Petty, it was ordered that the most gracious message be taken into consideration on Monday.—Lord Henry Petty gave notice that, immediately after the holidays, he should submit proposals to the commons for making a national monument to the memory of the late lord Nelson.

[BUDGET.] On the motion of lord Henry Petty, the house went into a Committee of Ways and Means, to which the several accounts presented this day were referred. Lord Henry Petty rose, he presented to the house the Supplies which he thought proper to vote for the current year, and the means to meet them. The duty imposed on him he thought extremely arduous, and one which he was convinced he should be obliged to execute, unless he had the assistance of the commons. In submitting the bill he had to lay before the house a statement of the produce of the duties on goods and merchandize, not only from an account to detain the house, but because it could be very little compared with the facts which he had collected from the committee. But the same consideration made him sparing of observations, induced him to wish to

house would extend its indulgence, to be as ample with respect to the facts as possible; and, on this occasion, departing from the common course, he should, before he entered into the question of the supplies necessary for the current service of the year, endeavour to satisfy the house as to the state of the country in point of finance, past and present, particularly the state of finance in which the country had been found this year; requesting that gentlemen would carry their knowledge upon that subject in their minds throughout the whole of his statement, as they would find it necessary to their perfectly understanding what it would be proper to adopt for the service of the current year. The principal, and he might say the only great feature in the state of the finance of the country, was the amount of its burthen or annual debt, funded and unfunded; and the next consideration was the means the country was in possession of to meet that debt, with a view to discharging the interest, and also that which he trusted the house would never lose sight of, namely, its ultimate and final extinction. He should first state the amount of the debt on the 1st of February 1805, then the augmentation of that debt in 1806.—The amount of the funded debt on the 1st of Feb. 1805, was 495,127,000*l.* the annual charge upon which was 18,000,000*l.* The amount of debt redeemed up to that day was 111,797,000*l.* the annual charge upon which was 6,834,000*l.* making together of debt, redeemed and unredeemed, 603,924,000*l.* and an annual charge of 24,904,000*l.* In the course of the year 1805, there was made an addition of 34,400,000*l.* creating an annual charge of 1,392,000*l.* besides 2,426,000*l.* for the discharge of the loyalty loan, at an annual charge of 53,000*l.* making a total for that year of debt 36,827,000*l.* and of annual charge 1,445,000*l.* Against this was to be put a diminution of 531,000*l.* of debt, and 16,000*l.* of annual charge by the redemption of the land-tax, and by the commissioners for the reduction of the national debt a diminution of debt of 12,148,000*l.*; making a total diminution of debt to the amount of 12,679,000*l.* and a diminution of annual charge to the amount of 386,000*l.* This presented, at the commencement of the present year, an amount of funded debt of 517,280,000*l.* The amount of debt redeemed was 123,476,000*l.*—With respect to the Unfunded Debt, he would follow the same course, comparing the

state of it in 1805 and 1806. On the 5th Jan. 1805, there were outstanding exchequer bills to the amount of 25,253,500*l.* of which were provided for 12,388,400*l.* leaving unprovided for 12,865,100*l.*; navy debt 5,100,000*l.*; treasury bills 692,599*l.* barracks 1,567,000*l.* Ordnance expence and arrears of civil list, making a total of 20,305,686*l.* On the 5th Jan. 1806, the outstanding exchequer bills were 27,180,400*l.* Of which, in anticipation of aids 12,180,400*l.* leaving unprovided for 15,000,000*l.*; navy debt 9,570,000*l.*; treasury bills 530,751*l.* with charges for barracks, army debt, ordnance charges, and civil-list arrears, making a total of 23,168,747*l.* Thus there was an addition to the unfunded debt of 2,863,161*l.*—He came now to the Ways and Means to meet this amount of debt, which he had thought it necessary to state thus fully and fairly, in order that the public might be completely aware of its situation, and that it might be prepared to make the necessary exertions. The first of these was the Consolidated Fund, consisting of permanent taxes to the amount of 33,035,501*l.* from which was to be deducted for arrears of assessed taxes, 110,000*l.* leaving a balance of 32,935,501*l.* The charges on the consolidated fund were the charges of the public debt, amounting to 23,102,753*l.*; for paying off the five per cents. 4,757,518*l.* making with civil list arrears of 958,000*l.* pensions 284,866*l.* miscellaneous services 2,170,000*l.* interest of the imperial loan 497,473*l.* and other lesser items, a total of 30,188,000*l.*; from which after deducting 430,000*l.* for the purchase of the legal quays, there remained 29,758,000*l.* chargeable on the consolidated fund: so that on the consolidated fund there was an excess of charge of 3,177,500*l.* beyond the preceding year. This state of the consolidated fund he wished gentlemen to bear in mind, as it was to the consolidated fund that we were to look for the payment of the interest of the public debt.—But he wished them also to attend particularly to the state of the Sinking Fund, as it was to that we were to look for the extinction of the debt. In the year ending Feb. 1, 1803, the interest redeemed by means of this fund was 5,835,000*l.*; the unredeemed debt was at that period 480,572,000*l.* Thus the proportion of the sinking fund to the unredeemed debt was as 1 to 82. In the year ending Feb. 1, 1806, there had been redeemed 7,566,539*l.*; the unredeemed debt was then 517,280,500*l.* making the proportion

turn, he said, he would
ford an acre.

[illegible]

SUPPLY.

The first head then, is the

Navy, exclusive of Sea Service	- £. 15,281,000
Army	- - - - - 18,500,000

here, though I am not able to state the amount of the sums that will be required on this head, owing to the arrangements not being yet completed; I am happy to think, that there is every reason to believe, that if approved by the house they will not exceed the sum I have stated, or the amount of the Estimates on the vote voted for a limited period; and if they should, a saving may be expected on some other head.

... in England, in-

...ing Sea Service £. 3,911,000

807,000

Miscellaneous—England 1,500,000

Ireland - 670,000

On this head of expence, however, which must appear considerable, it is right to state, that there are included several important grants in contemplation—such as the provision for the family of lord Nelson, and for the remuneration of our seamen; objects, which I am sure will be a sufficient justification of the expence at any occasion.

Standard 1,40
Standard 60

taking the Joint Se
ever, separate charg
i.

East-India Com-
1.000

us claim is of several yrs. standing. A Commission had been appointed to investigate the demand of the Company, in 1805; a million was voted, and also last year, and in Autumn, it was understood by the Company, that another million would this year be proposed to be voted.

There is also a deficiency
of Malt, 1804 - - 340

Ditto, Ways and Means	
of 1805 - - - -	1.707

Interest on Exchequer	1,101
Bills - - - - -	1,000

It may be proper to say a few words in explanation of that article. It arises from the method pursued of issuing Exchequer Bills bearing a certain interest. It has not hitherto been usual to provide the interest at the time the bills are voted, but it comes into the Supply of the following year. It has been thought advisable, however, to bring that expense within the year, and provide for it accordingly.

There is called for, also, a sum of 500,000% to pay off 5 per Cents. of 1797, and in October next, 500,000% more will be wanted - - - - - 1,000.

Total Supplies,
Deduct for Ireland 2-17ths
of \$3,669,000% - - 5,137.4
Also 2-17ths for Civil
List and other Charges 160.0

Remains, on account of England

WAYS AND MEA

The noble lord said he would place there were the Malt and Duties which he took, then the Grants of the Proclamation prior to the war. He said his subject had the house.

clusively to England, yet it was thought proper to allow two-seventeenths to Ireland. The lottery he should take at 380,000*l.*; the surplus of the Consolidated Fund at 3,500,000*l.* The War Taxes had been taken last year at 14,500,000*l.* but for reasons he should explain, he should take them at 18,000,000*l.* The Ways and Means would stand thus:

Malt and personal Estate Duties	-	£2,750,000
Grants from proceeds of Ships captured prior to the War	- - -	1,000,000
Lottery	- - - - -	380,000
Surplus Consolidated Fund to 5th April, 1807	- - - - -	3,500,000
War Taxes	- - - - -	19,500,000
Deduct as likely to be outstanding at 5th Apr., 1807	- - - - -	1,500,000—18,000,000
Loan	- - - - -	18,000,000

43,630,000

The loan he had made this morning was for 20,000,000*l.* of which 18,000,000*l.* was for England, and 2,000,000*l.* for Ireland. The terms of it he believed had given general satisfaction; of this loan no less a sum than 5,800,000*l.* was to supply arrears and deficiencies of last year, so that the loan for the current year was only 12,200,000*l.* Part of those arrears consisted of subsidies, with respect to which it would be difficult to submit any estimate, from the circumstances under which the treaties were made, as it was not ascertained what sums they would be entitled to receive.

For the East-India Company	- -	£1,000,000
Deficiency of the Malt Duty	- -	340,000
Deficiency of Ways and Means	- -	1,707,000
Interest of Exchequer Bills	- - -	1,000,000
To pay off arrears of 5 per Cents. for 1796	- - - - -	1,200,000

Making in the whole - - - - - 5,247,000

Having stated the Ways and Means, he should go somewhat more into explanation. First, as to the war taxes, he held documents which would enable him to state the rise and progress of the war taxes. The causes of that rise were such as justified the house in carrying them as far as the patriotism of the public would render them productive. In 1798, the right hon. gent. who had preceded him in office, had thought it necessary to have recourse to the principle of raising a considerable part of the supplies within the year. It was needless to go through the various modes on which this principle applied, or to recall the efforts made under the name of the Assessed Taxes, Income Tax, or, more recently, the Property Tax. But, to enable the house to judge of the general expediency of continuing those efforts, he should state what

had been the effect of the system of the war taxes last war, compared with the present war. On the 5th of February, 1793, the unredeemed debt was 226,989,000*l.* On the 5th of February, 1803, 480,572,000*l.* which was an increase in the ten years of 253,583,000*l.* making an average increase in each year of 25,358,333*l.* This fact would enable the house to judge of the additional security and strength the country had derived from having had recourse to such a system. Feeling the propriety of it, he should proceed to state the mode in which he meant to apply it; and first, as to the Property Tax. It was not for him to give his opinion as to the policy of such a tax being originally adopted, but he had a right to say, that compared with those which had preceded it, such as the assessed taxes, it was the most equal and equitable tax; but there was this additional reason in its favour, that it was an established tax, and, considering all the experience the house had had of the difficulty of enforcing a system of direct taxation, and the complex machinery that must be set on foot to give it effect, he thought no apology would be required for making use of the

PROPERTY TAX.

This, said his lordship, I propose to carry at once to 10 per cent. It may seem paradoxical to say, that this mode of increase is preferable to one more gradual, and less alarming to the public. Such, however, is my opinion. A gradual rise would have led to the supposition that this was a fund to be drawn upon to an indefinite extent, but being raised at once to its natural limit, there will be less suspicion of future augmentation. Besides the addition to the rate, I am persuaded that considerable addition may be made to the produce by judicious regulation. That there have been fraud and evasion in the payment, cannot be doubted, and the mode of exemption has furnished the greatest facility to the attempt. But notwithstanding the diminution of the produce through that cause, I should have been sorry to have deprived of exemption those who have a fair claim to it. But, still exemption and relief will be extended to those who must stand in need of it, while the means of evasion will be taken away. The classes most worthy of being considered, with a view to relief, are small tradesmen and small annuitants, in whose favour some provision will be made. It is proposed then that 10 per cent. shall be paid on all property above 50*l.* a year, but on pro-

duction of the will or deed, constituting the annuity and demonstrating the claim to exemption, the tax office will be authorised to make repayment. The farther regulation of that part of the plan will come afterwards to be considered, but the object is to reserve the benefit to those classes I have mentioned. The small tradesmen undoubtedly are least the objects of taxation, because they have not the means of adding property to labour, which those possessing property can; and the principle will be to reach, as far as possible, all those who have property. There will be some regulation respecting hospitals and charitable institutions. As one mode of rendering the tax more productive, I am happy to state, that the governors and directors of the bank have agreed to receive the duty on the dividends at the bank. Regulations will be adopted to facilitate the assessment, and to ease the labours of the commissioners. For this purpose it is proposed to empower the commissioners to make an assessment of houses and land for two years, which will save them some trouble, and it is probable that such a mode will be equally satisfactory to all. The sum which this addition will produce is estimated at 5 millions.

CUSTOMS AND EXCISE.

Another million is expected from the Customs and Excise; and this source will be the more agreeable, seeing that it is derived chiefly from the enjoyments of the higher classes. It is proposed, with certain modifications and exceptions, to raise the war duties of the Customs from one fourth to one third. Tobacco will be taxed under the Excise. Certain woods coming under this branch are to be exempted. An addition will be made to the duty on sugar of 3 shillings additional per cwt. As this tax has continued progressively to increase, and from its bulk and perishable nature cannot easily be smuggled, there is little doubt that with the addition it will be productive. The Customs then I take at 700,000*l.* Under the Excise an additional duty on tobacco, and in the present circumstances, and distribution of our navy, smuggling being less practicable, it will continue productive. This will be 300,000*l.*

Total—Customs and Excise	- - - - -	1,000,000
Property Tax	- - - - -	500,000

6,000,000

THE LOAN.

Next follows the Loan con-

day, which, I am happy to say upon terms advantageous to but from what I have heard, is cial to the contractors. The For every 100*l.* advanced, 100 *l.* per cent. consols at 50½ - - - 66 Three per cents. Reduced 59½

Amount of Discount on prompt	- - - - -	ment
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So that the Interest paid by the pr is under 5 per cent. being £.4 1*l.*

To cover the interest, one pa ing fund, charges, &c. on thi of 1,136,000*l.* is to be provid propose to do in the followin I propose to render the Wine Du isting, permanent and applicabl wards the interest of the Loan, w will give

A Duty on Pig Iron of 40*s.* per This tax was formerly in centen tion, and as the object is now gr extended in use, and as 200,000 was the quantity then manufact I apprehend that the quantity be estimated at 250,000 tons, w at 40*s.* will be

Upon this head there will be cou vailing Duties on Foreign Iron, a fair drawback will be allowed. tax will be under the Excise.

The third object is, a Regulation c Duties on Tea. Formerly it wa tended, for the relief of the l classes, that no tea supposed used by them should fall unde tax. But the fact is, either the lower classes, preferring a bette siele, do not buy the inferior kix the venders mix it, so defrauding government and their customers inferior tea is not sold. The Ez ation of the Duties on Tea is ex ed to produce

Next I propose, that, as there is a siderable Tax on Auctions, should be a Tax on Appraisem both these modes being adopt give the highest value that cr procured to objects sold. I est this tax at

One-half the Duty on Auctions

Total

CIVIL LIST.

Before I sit down, I am make a few observations r expenses of the Civil List on the 5th of January, 1806. It will not be necessary to detail to the house the which have occasioned thi will be satisfactorily and fi whenever the subject comes consai ation. As far as I

have of

of them appear to be unavoidable. I advise us, that they should be discharged out of the proceeds of the ships captured previous to the war, of which fund is yet a considerable surplus, even after deduction of the millions which has been included in the Ways and Means.

RECAPITULATION.

In order to bring the whole of the subject under one view, I will trespass so far on the indulgence of the house, as to recollect the several details both of the Ways and the Means; and I will state the supplies, consisting of the following items:—

SUPPLIES.

exclusive of the Ordnance Service	£. 15,281,000
England	18,500,000
Ireland	
Ordnance Service	3,911,000
Ireland	807,000
MISCELLANEOUS	4,718,000
England	1,500,000
Ireland	670,000
Grants of Subsidies	2,170,000
	1,000,000
	41,669,000
of Credit	
England	1,400,000
Ireland	600,000
	2,000,000

Joint Charge, England and Ireland	45,669,000
England's separate Charges:	
India Company	1,000,000
Excise Malt Duty,	
1804	340,000
Ways and Means,	
1805	1,707,000
Exchequer bills	1,000,000
off 5s. per	
at 1797, at	
1 April, 1806	700,000
10th Oct.	500,000
	1,200,000
	5,247,000

Total Supplies - 48,916,000
on account of Ireland as below, 5,297,528

On account of England - 43,618,472
on account of Ireland, 2-17ths of the above
of 43,669,000/- - 5,137,528
at also 2-17ths, for
List and other
charges - 160,000

5,297,528

WAYS AND MEANS.

Land and Personal Estate Duties	2,750,000
from Proceeds of Ships captured prior to the War	1,000,000
by	380,000

Surplus of Consolidated Fund to 30th April, 1907	2,500,000
War Taxes	13,500,000
Deduct, as likely to be outstanding at 30th April, 1907	7,500,000
	18,500,000
Loan	18,500,000
	£ 43,500,000

After this recapitulation, said the noble lord, I have to express my sincere wish that I could follow up this statement by adding, that the burthens which I have now felt it my duty to propose are light; but, as I do not think so, I will not so represent them. At the same time, I should think ill of myself by thinking meanly of my country, if I could entertain a doubt that they will be supported with that constancy and fortitude which are the most distinguished features in the character of any country, but which I may venture to say are prominent in this. I feel myself justified in stating, that if the people of this country would have borne these burthens with cheerfulness formerly, they have now additional motives to do so—now that we are placed in a crisis of our affairs—now that by the failure of our hopes from the co-operation of allies on the Continent, we are left to our own resources and to our own exertions. In such a moment, the people of this country will call forth all their energy, and shew themselves equal to any difficulties with which they may have to contend. As they feel too that they will be called upon to bear those burthens only so long as the war is necessary, so they must know that if it is necessary the contest involves in it every thing they hold dear as individuals and as a nation. They will bear these burthens the more cheerfully too, feeling a confidence that what they contribute will be strictly applied and economically administered to the purposes for which it is given. They know that if any set of men ever were pledged to economical government, it is the present ministers, and if they swerve from that pledge, they must retire from office, carrying with them their own condemnation and disgrace. The public, however, feel this confidence, both from the character of the present ministers and from the benefits lately derived from enquiry, particularly from the labours of the naval commissioners. These things infuse confidence into the people, and they will support ministers in the economy they wish

to practise. In the office I have the honour to fill, I have already experienced those advantages, and from the commission of military enquiry, emulating the conduct of the other commission, I trust that farther benefits will be obtained. Confident I am that ministers will be desirous to follow up the plans and improvements which these enquiries may suggest. In the mean time I am happy to say that steps are taking to recover the sums lost to the public by malversations in the West Indies, and measures are adopted to put a stop to those scenes of fraud, perjury, and speculation, which have too long prevailed. Ministers are doing, and will do their duty with that firmness, by which alone the evils meant to be corrected can be met and subdued; and seeing this, the people will be still farther disposed to bear their burthens with cheerfulness, and to exert that fortitude and courage they have so often displayed. If there be any thing in the statements I have made, in which I feel pride, it is that there is no concealment in them. The notoriety and publicity of our public accounts and financial transactions is one great cause of the public credit. That publicity it shall be my endeavour, as far as my humble efforts can go, to promote. It is recorded of an old Roman moralist, that he wished to build his house in such a manner that it should be open to the view of all, and that his conduct might be liable to the inspection and censure of his fellow-citizens. The principle of this wish I am desirous to see acted upon in our system of finance; and to extend the familiar acquaintance of the public with subjects of that sort, shall be one of the points I shall keep most steadily in view, convinced that this publicity is the circumstance most calculated to remedy that constitutional evil which has been thought most incident to the increase of our public burthens. I will no longer trespass upon the indulgence of the committee, but shall conclude with moving the first resolution.

Mr. Francis, after some compliments to the noble lord (Henry Petty), and acknowledgements of the industry and ability he had shewn, and the perspicuity with which he had stated a detail of topics so intricate and so extensive, for all which he gave him the highest credit, proceeded as follows:—Mr. Speaker; there are several material passages, in the excellent speech of my noble friend, on which I refrain from making a few ver-

on the first with great satisfaction; second, I am sorry to say, regret. I hear with pleasure, I emulate the house on the ever noble friend has found me the governors and directors of England to receive the duty demands at the Bank. Whether be done by deducting the at first instance, or by what other think he did not state. In what the measure may be executed he has a full right to take part for it, and to state that it will be more productive, as I think it will do to a considerable regulation, of the same kind, executed a few years ago without success was present when the chancellor exchequer informed the honorable directors of the bank, after deliberation, and some trial too, if I taken, had declared that it should not be executed; that it would be their accounts and disorder and that, in short, the thing, in my humble opinion, was impracticable. In overcoming these difficulties, my noble lord, and the value of the measure enhanced by its being quite unexpected.—The other which I must advert, does not enter for similar satisfaction. A sudden and excessive increase of the Income Tax, by raising it at once to 6 per cent. I am afraid he will find difficulties in his endeavours to bring the country to the amount of 10 per cent. in addition to their present burthens; it will occasion much more distress, if not universal distress, than he is at present aware of; it will be matter of surprize if the argument he resorts to of this rapid course of taxation satisfy the judgement of an impartial kingdom, even among those best disposed to submit to it. My noble friend justly observes that "may seem paradoxical to suppose a mode of increase is preferred more gradual and less affecting the public." Now I do not think an extraordinary proposition, though it contradicts a resolution. But then the evidence is not so powerful for the government, it seems to me that the case is full as good as lost.

as the proposition. The grievance or the burthen, as it is now felt, is a tax of five or six per cent., and the best way to cure the disorder or to silence the complaint, is to double the demand. He admits that a gradual increase would be less alarming to the public, and for that reason he rejects it; as if the human mind were so constituted that, the more it is surprised, the less it is afflicted. This doctrine is new; but, I confess, that the novelty does not, to my apprehension, at all lessen the grievance. My noble friend affirms, that "a gradual rise would have led to the supposition that this was a fund to be drawn upon to an indefinite extent; but, being raised at once to its natural limit, there will be less suspicion of future augmentation." How so? Why is ten per cent. a more natural limit than eleven; or how does one violent act furnish an internal security against others of the same quality? All we know is that the thing done is a precedent, and that, in cases of this nature, the precedent most likely to be followed is that, which is most productive. Whether the increase of this tax proceeds *gradatim* or *per saltum*, whether it arrives at its natural limit by slow steps or hasty strides, I see no certainty that 10 per cent. will be the final extent of the demand; or that, in a few years, when the rapid principle cannot easily or safely be resorted to again, we shall not be invited to revert to the quiet and gentle operation of a gradual increase. As to any security, provided by either of the two principles, against future augmentation, I confess I see none. I throw out these thoughts, sir, very hastily, in hopes that they will be duly considered by the noble lord, and by other gentlemen more conversant in the subject than I am.

Lord Henry Petty thanked the hon. gent. for the partiality he had been pleased to express, and he felt it his duty, in answer to what had fallen from the hon. gent. respecting the conduct of the bank directors, to say, that the directors certainly acknowledged an application made to them by the right hon. gent. whom he had the honour to succeed, to induce them to receive the duties upon the dividends in their hands; which they declined, because in the situation wherein they stood they had objections very natural for them to entertain; but, in answer to the application lately made to them, they candidly stated, that they saw so much evasion and un-

fairness practised, that they were induced to relinquish their scruples, and to agree to receive the duties payable on the dividends in their hands. With respect to the other point, namely, the increase of the Property Tax to 10 per cent. though he regretted the disapprobation of the hon. member, yet upon the best consideration he had been able to give the principle, he must still think it an eligible one; and had only to repeat his former opinion, that he thought the public would be much better pleased with an increase of the tax, to that natural point beyond which it was not likely to be extended, than by a gradual increase year after year, of which they could reckon upon no definite limitation.

Mr. Rose acknowledged the very clear and satisfactory statement brought forward by the noble lord, and said it was not his intention to oppose his taxes; there was but one of them to which he had any special ground of objection: and had the noble lord contented himself with the eclogies he chose to bestow upon himself and his friends, he should not have risen to say a single word; but in answer to what had fallen from the noble lord towards the latter end of his speech, in the censure he had endeavoured to cast upon his majesty's late ministers, for a system of fraud, perjury, and speculation, which he alleged to have existed in the West Indies, unchecked and unpunished by those ministers, as if suffered to continue with their privacy and acquiescence, he must beg to be indulged in a short reply. It had happened to himself, when a member of the late administration, to have been the first to detect those frauds and speculations, and he lost not one moment in the speediest endeavours to bring the perpetrators to condign punishment; as could be proved by the evidence on the table of that house. He had brought in a bill for the appointment of special commissioners, who were dispatched to the West Indies, to make strict enquiry into those frauds and abuses, in order to the punishment of the offenders, and to the attainment of restitution for the public. Those commissioners had transmitted home their reports, from time to time, to his majesty's government, who immediately committed them to the law advisers of the crown, in order to the speediest possible institution of such legal proceedings as they should deem most expedient for the objects in view. Why they were not brought to justice, it was not for

him to account, as certainly no step was omitted, on the part of the late administration; his hon. and learned friends near him could best answer on that point. The noble lord had also bestowed much panegyric on himself and his colleagues, upon the ground of the publicity they were determined to give with respect to the state of the finances and expenditure of the country, as if the noble lord meant to insinuate that the conduct of his majesty's late ministers had been exactly the reverse, or that the noble lord and his colleagues introduced under this profession, any thing new into the management of the public accounts. Now, was it not his late right hon. friend, now lost, and so justly and universally lamented by the country, that first instituted enquiry into the public accounts, and probed them to the bottom? Was it not under his auspices that those sources of publicity were established, for which the noble lord now took credit to himself and his colleagues? With respect, however, to the frauds which had existed in the West Indies, he was extremely glad to hear from the noble lord, that the exertions of his majesty's late ministers had been followed up to bring the perpetrators to justice, and he seriously wished the endeavour might be successful. As he was up, there were some of the proposed taxes which called for some observation; the merits of those taxes he did not now mean to discuss. The tax on iron, for instance, would affect an important branch of raw materials in the manufactures of the country. Was the noble lord aware, that our exports in the manufactures of iron had, of late years, fallen off nearly one half, while that of steel and the finer species had dwindled almost to nothing? The right hon. gent. made similar objections to the Silk duty. Unless a drawback were allowed, a considerable damp must be cast on the export of two most important manufactures.

Lord *Henry Petty* observed, that if the only part of his speech to which the right hon. gent. objected was that in which he had spoken of the frauds and peculations in the West Indies, and the publicity intended to be observed in the public accounts, conceiving him on those points to have cast a censure upon his majesty's late ministers, he begged leave to disclaim any such design. He had never once named his majesty's late ministers in the course of his speech, nor should he be disposed to speak

of a right hon. gent., now no wise than with respect. When the shameful system of fraud and perjury, which had existed in the West Indies, he spoke of it only as the perpetrators. He did not say that his majesty's late ministers had tried to detect or to punish those frauds; if they had stated, they were still in contempt, still uncorrected. With respect to the conduct of a late right hon. gent. he had said this night, or on some occasion, could be fairly construed from his merits; on the contrary, he gave him every credit for the measure taken by him, to detect and punish, and for the establishment of a fund. The noble lord added to the eulogium he had uttered, vouching his determination to adhere to the discharge of his duty, and that the public held confidentially of his majesty's presence, which they were determined to follow in their conduct.

Mr. *Rose* referred the noble lord to the act of parliament, to see what was done to check the abuses committed.

Lord *Henry Petty* replied, that the object of the act had not been attained.

Mr. *Percival* observed, that the noble lord had made no objection against his majesty's late ministers, as he was in the tenour of his speech broad insinuation against them, that the public were more oppressed by an increase of burthens on transactions in the West Indies than before; and that the transactions in the West Indies were increased by something like negligence: and the noble lord answered, in such a way, as he must feel constrained to answer. With respect to the subject, he was ready to vouch for the measure made by his right hon. friend, who was extremely glad to hear from the noble lord, that proceedings had been taken to bring those delinquents to justice, which he apprehended, from the reports he had seen, it would be difficult so to do. With respect to other parts of the noble lord's speech, he agreed with the hon. member second in the debate, that it was satisfactory to the house; but some parts of it, on which he intended to urge any discussion, he would merely mention, by way of disclaimer, to inform the house.

He alluded principally to the manner of proceeding adopted by the noble lord, in moving the whole Ways and Means, before the estimates were before the house, or the supplies for those estimates yet voted; particularly the items of the Army estimates. The noble lord might have made himself, by this time, sufficiently acquainted with the subject, by communicating with a right hon. friend near him (Mr. Windham), to have satisfied the house. The estimates, when they should come forward, he hoped would be satisfactory; but the circumstance was such a one as not to pass without parliamentary notice. On the arrangement proposed in the income-tax, he feared many difficulties would arise, extremely embarrassing and unsatisfactory; but he was glad to find, that, in one respect, it was brought now again to that state in which it was first established when he had the honour of being a member of his majesty's administration. Upon the appraisement tax, he felt that great and unexpected difficulties would arise, judging from the experience he had had of the frauds and evasions practised under the auction tax, which were of the grossest nature, and to an enormous amount. Nothing was more common than for the proprietor of an estate to put it up to auction, in order to find out the highest bidder, which done, he bought in the estate himself, *pro forma*, and afterwards sold it by private contract to the bidder before mentioned, and thus eluded the whole of the duty.

Lord H. Petty repeated the statements he before made of estimates of the supply and Ways and Means, to shew that the latter did not exceed the former in the proportion mentioned by the learned gent. The tax upon appraisements, he said, would be raised by a stamp duty; and, he admitted that the state of the auction duty was worthy of great consideration. The circumstance of first setting up things to sale, then buying them in, and afterwards disposing of them by private contract, he was sensible of being a great source of frauds upon the revenue.

Mr. Percival suggested, as one remedy for this, to deprive the principal of all right to become himself a bidder. He then more reverted to the impropriety of voting Ways and Means beyond the supply, which, he said, was repugnant to the constitutional principle of not laying unnecessary burthens upon the people. He also suggested, that, as the exchequer bills

were, at present, very little productive of the revenue, the tax upon them should be deducted, at the bank, in the same manner as the tax on stocks; which, he thought was the only way of making every individual pay his just proportion.

Lord H. Petty, in reply to the constitutional objection of the learned gent., said he understood the true restraint to be, that the Ways and Means should not be applied by government before the supplies were voted.

Mr. Rose contended that they should not even be proposed to the house, till the supplies were known.

Mr. Secretary Fox admitted that the Ways and Means ought not to exceed the supply, but contended that the object was to prevent government from raising money by Ways and Means till the house had an opportunity of recognizing the necessity of the supply. The war taxes, as had been stated by the noble lord, were regularly voted for the service of the year. The surplus, if any, might be properly applied to different services; for instance, to the sinking fund. But his noble friend would take care that the Ways and Means should not exceed the supplies to be voted. He admitted, however, that there was considerable inconvenience in bringing forward the Ways and Means before the estimates for the army were regularly before the house, and it was one which ought as much as possible to be avoided. But the same sort of inconvenience was felt last year in the vote with regard to the subsidies, the amount of which depended upon treaties with foreign powers, which at that time were not in great forwardness. But though he admitted the inconvenience, he denied that there was any thing in this proceeding which counteracted any fixed principle. The inconvenience of delaying the bringing forward of the budget till the army estimates could be regularly produced, would, however, have been greater than the one under which they at present laboured, and government had only the choice between the two. Now, with regard to the words of his noble friend respecting the frauds and abuses in the West Indies, he must say that he was taken up in a very hasty manner. He had heard him perfectly, but had no idea that he had brought any charge against the late administration. He had, on the contrary, praised highly the scheme of the sinking fund, in which he cordially joined him. He had heard no

him to account, as certainly no step was omitted, on the part of the late administration; his hon. and learned friends near him could best answer on that point. The noble lord had also bestowed much panegyric on himself, and his colleagues, upon the ground of the publicity they were determined to give with respect to the state of the finances and expenditure of the country, as if the noble lord meant to insinuate that the conduct of his late colleagues had been exactly that of a model, or that the noble lord and his colleagues had introduced under this provision, namely, the new into the management of duties, breaches of counts. Now, was it not a matter of fact, hon. friend, now lost sight of the matter, that, universally lamented, that the first instituted enquiries were ever taken into counts, and proved abuses and abuses to Was it not under the late government? Now as to the tax sources of public revenue, the funds in the tax which the noble lord means to prevent to himself, and the object gained. It is, I expect, looking forward to this should be considered in the same manner that might be gaily glad to see, and learned gent. on the the noble lord to be thankfully accepted. I am aware also of difficulties as to the propriety of the exemptions, and this point will require consideration. As to the tax on Property, he stated, with his noble friend, that it was better to raise it at once to the amount at which it was likely to hold during the war, than to advance it gradually. It might be said, and it had been said by his hon. friend at him (Mr. Francis), that there was no security against its being still gradually raised. But then, he certainly thought that the present mode was preferable to advancing it 1 per cent. in one year, and 1½ per cent. in another year, and so on, which would at last lead to a constant gradual advance, which might in the end annihilate all property. This he had stated on a former occasion to be his great objection to such a gradual advance. Gentlemen now, however, might be at rest upon this head. It had been said, that his noble friend had praised himself; those who knew him, would say, that this was not a fault of his. But what had he said? He stated that every means would be adopted to check abuses, not in contradistinction to any thing that had been done by another ministry, but merely as a fact, and the grounds on which he stated this resolution to rest were, the fact of the commissioners of naval

of a right of the Military wise doubt certainly been applied to the administration. These abuses he had given for his confidence and support, a noble pledge, and he would adhere to it, which was the principle that could be secured, and that was, that no error was incurred in attending to, a single abuses and their causes, and find out the means of correcting and inspiring the public with confidence that their most properly expended; which thing that could induce them cheerfulness the burthens which necessary to impose upon them. Sir Vicary Gibbs adverted to proceedings relative to the West, and confirmed the statement and learned friend (Mr. P.) the want of legal evidence, cause why the offenders had brought to trial.

Sir William Young said, never objected to a colonial tax, he do it now. He only said, the noble lord right as to a fact, that the prices of sugar at present in the conclusion that this was a proper subject of taxation, say, from his personal knowledge, owners did not, since the year more than two thirds of the they had formerly received, not the home market, he hoped per drawback would be allowed, might at least have the advantage of a foreign market.

Mr. Huskisson contended, attention had been paid to the frauds in the West Indies, if when they had been detected, sorry that the delinquents had brought to condign punishment was owing to the peculiar circumstances of the case, and not to any want on the part of the late government, abuses, however, had been, and, from the efforts that had been made, there were at first a great many, certainly did not now exist. He stated the country upon the present government had given which, in his opinion, did not mean, that they would adhere to the principle which had been a noble friend who was in

This system was to raise the Ways and Means as much as possible, in such a way as to equal the supplies, and keep down as much as possible the loans, which were necessary to be contracted. He was happy to pledge, because, from some things which they had heard out of doors, and from other circumstances, the friends of that system had felt a considerable degree of uneasiness. He then adverted to the deficiencies of the last year, and contended that they arose on account of services for which no grants had been made by parliament. This he did in order to shew that his deceased friend had not prepared his accounts with that negligence and want of foresight which might, perhaps, have been attributed to him, by those who might have had no opportunity of knowing any thing of the matter, except from the statement of the noble lord. He concluded by expressing his approbation of the manner in which the budget had upon the whole been proposed.

Mr. *Vansittart* admitted that it would, no doubt, be extremely improper to bring forward the Ways and Means, unless those who brought it forward had some idea of what the expence of the military department was likely to be. He by means agreed with the hon. gent. who had just sat down, that the surplus of the consolidated fund was under-rated, and denied the criteria upon which the hon. gent.'s estimate was founded; but yet he would, of course, be happy if the result should appear to justify the hon. gent.'s calculations. The right hon. gent. took occasion, in alluding to the war taxes, to state that the country was indebted to his noble friend (Lord Sidmouth) for the origination of that system, from which such salutary efforts were found to spring, and the principle of which now met the universal concurrence of parliament and the country.

Mr. *S. Bourne* alledged, that so far from overlooking the frauds committed in the West Indies, the late board of treasury issued several orders for the prosecution of all persons concerned in such frauds, and absolutely referred the case to the comptrollers of the navy, with directions to suggest proper measures to guard against their recurrence. He had also to state, that immediately after the report of the examination on the subject of these frauds, the report was referred, with a similar view of prevention for the future, to the comptrollers of the public accounts.

So that nothing was left undone by the late board of treasury, to punish the agents and to prevent the recurrence of the evil complained of.

Lord *Temple* thought it his duty to state, that he knew of his own knowledge, that steps were taken by the late ministry to prevent the recurrence of the frauds committed in the West Indies. These frauds consisted of extravagant premiums on exchange, and false vouchers; and such abuses did, he knew, still continue to exist.

Mr. *Huskisson* could not well conceive how the noble lord should undertake to speak so confidently as to the proceedings of the board of treasury. But if those who had the opportunity would look more attentively into the records of that board, it would be seen that no means were neglected, that promised to put a stop to the frauds alluded to. The fact was, that in consequence of an order from the late board of treasury, a person was now under prosecution in the court of exchequer, for permitting the continuance of the abuse which gave room for these frauds, although the character of this individual for integrity was by no means implicated. But, independently of the orders for prosecution, arrangements were made in the West Indies with respect to the drawing of bills upon England, which were particularly calculated to guard against every fraud upon the subject of exchange.

Mr. *Rose* said, that had the noble lord taken the trouble to examine the records contained in his office, he would have found that steps had been taken for correcting the evil in question.

Mr. *Perceval* said, that whatever steps might have been formerly taken for the removal of the evil, yet new culprits might arise, whose cases might require the application of additional remedies.

Mr. *For* complained, that after the abuses had been known to exist for five years, no general plan had been devised for preventing their recurrence, and that matters had remained in precisely the same state, as when they were first discovered.

Mr. *Long* begged to know, how the sum of 90,000*l.* payable as interest on the loan from the bank, was to be provided for?

Lord *H. Petty* answered, by exchequer bills.—The several resolutions were then agreed to, and the report was ordered to be received to-morrow.

feel it his duty to oppose the additional tax on Sugar.

Mr. *Francis* also said, that he should take an opportunity to state some objections to the resolutions generally, and in particular to that which went to make such an increase on the Property Tax.

Mr. *Babington* said, that he could not approve of taking away the exemptions under the Property Tax. He should also ask the noble lord, whether he meant to comprise military officers, clergy with small incomes, and those who had only a life interest in an estate, under the operation of the Tax?

Mr. *Rose* thought, that as the noble lord had expressed a wish that the consideration of the Resolutions should be postponed, it would be but fair at present, to abstain from any discussion of them till Monday, when it could be entered in at full length and with every advantage.

Lord *Henry Petty* expressed himself obliged to the right hon. gent. who had spoke last; but while he was up, he would take the opportunity of replying to the question that had been put; that it was intended to exempt military officers and clergymen of small incomes, though not those who had only a life interest in their property.—The several resolutions being read, the farther consideration of them was postponed till Monday.

HOUSE OF LORDS.

Monday, March 31.

[MINUTES.] The royal assent was given by commission to the two Exchequer Bills bill, the Felons' Transportation bill, and to several other public and private bills. The commissioners were, the lord chancellor, lord Auckland, lord Walsingham.—Lord Grenville rose and moved the order of the day for taking into consideration his majesty's most gracious message, recommending the conferring some signal mark of favour on sir J. T. Duckworth, for the late important service performed by him to the country. His lordship observed, that having so recently had an occasion to direct the attention and admiration of the house to those glorious and useful services, he should not vainly attempt to amplify by words what must be so gratefully felt by their lordships, and by the country at large. He should therefore content himself with moving, that an humble address be presented to his majesty, assuring his majesty, that that house would cheerfully attend

and give effect to his majesty's most gracious recommendation. The motion was agreed to, *nem. diss.*

[MILITARY ESTABLISHMENTS.] Earl *Canden* rose to move an address to his majesty, praying for the production of certain papers. They were of two descriptions; one alluded to the Additional Force bill, and to the number of men raised under its operation in each county and parish; the other referred to the general recruiting service for the different corps of which the army was composed. He should not now enquire, for he could not expect an answer to such a question, whether it was the intention of his majesty's ministers to repeal that bill. He had no wish whatever to provoke or anticipate any discussion respecting the plan that was in preparation for improving and strengthening our military system: the chief object of the motion with which he should conclude, was to collect and have in readiness before the house such information as was likely to bear upon the important question that was soon expected to engage their lordships' attention. He did not foresee any objection to what he should have the honour to propose; but if there was any, he should be ready to couch his motion in what less objectionable terms his majesty's ministers should think proper to suggest. His lordship then concluded with moving, "that an humble address be presented to his majesty, praying that he would be pleased to give directions that there be laid before the house a Return of the number of men raised in each county and parish, conformably to the provisions of the Additional Force bill."

Lord *Grenville* said, he should have no objection to the motion, provided it was understood that the return moved for not only contained the number of men raised by the provisions of the bill in question, but also a description or explanation of the particular manner in which they had been raised in each parish. That was the consideration which in his mind would principally bear upon the plan that was to be brought forward, the particulars of which he expected would be known before forty-eight hours had elapsed. Much impatience had been expressed at the delay that had accrued in bringing forward that measure; but it should be recollected how essential it was both to the military service, and to the present circumstances of the country, that nothing crude and imperfect

should be hastily thrust forward, but that leisure, thought, and consultation, should be employed in digesting a system that should fairly promise to answer its object, and meet the exigencies of the case; considering the motion in the point of view in which he had placed it, there should be no opposition to it on his part.

Earl Camden had no desire but to obtain such information, as was likely to be useful in the discussion that was so soon to claim their lordships' attention; and he willingly consented it should be understood, that when the return was made, it should be looked upon not only as indicative of the number of men raised, but also of the particular manner in which they had been raised.—The motion was then put and agreed to. The noble earl next moved, a similar address for the production of several other papers relative to the general recruiting of the Army, which motion was also agreed to.

Lord Hawkesbury said, that he should have to trouble the house with a few motions, which, in his opinion, would follow up and tend to give a more comprehensive effect to the motions which had just been submitted to the house by his noble friend. The object of them was, first, to obtain a return of the number to which the Volunteer Force of England and Ireland amounted, in the year 1804; and of the number that had been certified to be effectual. He should wish a similar return to be made of the state of the Volunteer Force for the year 1805. It must be obvious that the end he had in view, was to ascertain whether that force had diminished or increased; and how far it might be relied upon to form a part of our military system and means of defence. He was not aware that there could be any objections to these motions, but if there was, he should be ready to adopt any other less objectionable mode of framing them, which any noble lord would take the trouble to suggest.

Lord Grenville felt no desire to object to the motions; though, as they now stood worded, he did not well conceive how a satisfactory return could be made in consequence of them. Much would turn on the word "effective;" and a return in that view by the Inspecting Officer. The volunteer force should not be considered in the same light, or under the same regulations as our regular force. He himself, was an officer of Volunteers, and a member of parliament; but in neither capacity

did he know, that the efficiency of a volunteer corps depended upon the return of an Inspecting Officer. In the parliamentary sense of the word "efficient," as applied to a volunteer, all those were efficient, who had attended the number of days prescribed by the act of parliament, whether among those days of attendance was the day of inspection or not. The Inspecting Officer had no authority to compel the Volunteers of any corps to attend on such days, and it might happen; that fewer attended on the day of inspection than on ordinary days. Besides there were many reasons and circumstances, which when duly weighed, would, he was sure, dissuade the noble lord from pressing his motion in these words; for it would be impossible for any Inspecting Officer to make any return respecting the greater or less number of efficient men, otherwise than by giving his opinion that such a particular corps was better disciplined than another. The noble lord would also recollect that the Irish Volunteer System was very different in its formation from that which prevailed in Great Britain. To make the same order for both must therefore be productive of confusion, and render it impossible to make any satisfactory return. He hoped, therefore, the noble lord would so word his motion, as to include only Great Britain, and to omit the return by the Inspecting Officer.

The Earl of Roslyn observed, that there might be such an infinite variety of shades of difference between the greater or less degree of perfection in discipline in this or that Volunteer Corps, that it would be utterly impossible to make any general return according to the word "efficient," in the sense in which he supposed the noble lord to understand it.

Lord Hawkesbury could see no difficulty in making the return, but he was still willing to adopt the amendment suggested, to omit Ireland, and to move only for the amount of the number of volunteers during the years he had mentioned, stating also the number that had been returned as efficient.—The question was then put on the motions so amended, and agreed to.

[COLONIAL INTERCOURSE WITH AMERICA.] Lord Holland, after adverting to the intention of a noble lord, below him, to bring in a bill relative to this subject, made some observations with respect to the magnitude and importance of the subject, of which it formed a part. He al-

luded to the opinions he had thrown out last session upon the particular topic to which his noble friend's bill proposed to refer, and expressed his opinion, that further documents were necessary to bring the true state of the subject before the house. His lordship concluded by moving for a variety of accounts of that description, as, the number of British ships, the tonnage thereof, and the number of men, engaged in the trade between Great Britain and the West Indies, &c. from the year 1790 to 1804, inclusive; and several other documents; which, after a few words from lord Sheffield, were ordered to be laid before the house.

Lord Auckland then rose to make his promised motion, which he prefaced by entering into several details. By the navigation acts of Charles II. and William III. all trade to the British Colonies in foreign bottoms was, he said, prohibited. It was evident that the vessels of the United States of America were foreign bottoms, and therefore came under the prohibitory clauses of these acts. From the peace of 1783 to 1788 they were precisely in this situation. In the latter year a legislative measure was resorted to upon the subject, which continued till the year 1793, from which period till the year 1801, the governors of the British Colonies in the West Indies exercised the power of granting, as necessity required, permission to import provisions and lumber from America, and every year a bill was passed to indemnify those concerned in advising or exercising this measure, for their acting contrary to law. It happened, however, that in 1801, owing to the confusion arising from the change of Administration, a bill of this description was omitted to be brought forward, and the subject had escaped attention until the present time, when, on turning to its consideration, he found this to be the state of the case. It became, therefore, necessary to indemnify four administrations, including that now in office, for having thus acted contrary to law since the year 1801, as well as the governors of the West-India Islands; this was the object of the bill, which it was his intention to introduce, and which, he had no doubt, would be supported by all those noble lords who had formed a part of the four administrations to which he had alluded. With respect to the subject itself, it was certainly of the greatest importance that our West-India Colonies should be regularly sup-

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plied with provisions. From the nature of their cultivation they could only grow a very small part of the provisions necessary for their subsistence. He was not disposed to quarrel with the United States of America for supplying the West-India islands with those articles; on the contrary, he was disposed to think it an advantageous intercourse. If the islands were left to depend upon this country for a supply of provisions, it must necessarily, in time of war, be precarious, whilst in the event of scarcity, ships sailing from this country would, of course, go to those islands where they expected to get the highest price, and probably pass those which were in want. A regular supply of provisions to our West-India islands could only be ensured to them from America, and his opinion was, that the enactment of laws ought not to be followed up with a view of preventing the Americans from deriving an advantage from the intercourse. The neutral bottoms of the Americans were of use to us in time of war; the advantage was mutual. The United States of America had grown with our growth, and strengthened with our strength, had contributed much to the increase of our commerce; a commerce which had arisen on an unexampled pitch of prosperity, which was greatly superior now to what it ever had been, even in time of peace. It appeared from official documents, that the value of the exports from this country of British manufactures, which on the average of the five years, ending in 1793, amounted to 15,400,000*l.* amounted, on the average of the five years ending in 1805 to 25,600,000*l.* He thought it would be advisable to introduce some regulation or order that the intercourse between the West-India colonies and America, might be placed upon a more certain footing; this might be effected by authorizing governors to issue proclamations from time to time, allowing the import from America, each proclamation to be in force for six months, which would ensure a more regular supply, there being a certainty that no interruption would place during that period. His majesty's late ministers, to whom, in this instance he did not mean to impute the least blame, had sent out a circular letter to the governors in the West Indies, requiring not to grant a permission for import from America, on light and trivial grounds. Some of them took an alarm, and

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stop to the importation altogether, which had the effect of enormously raising the price of provisions. It was, however, fit that the intercourse, which was necessary, at least in time of war, to the comfort and well being of our West-India colonies, should be regulated by an act of the legislature, and that the governors of our islands should not be reduced to the necessity of continually acting in violation of the law, or ministers at home, of continually advising such violations. He concluded by presenting a bill to indemnify all persons concerned in advising or ordering measures for importing certain articles into the West-India islands from America, in American vessels; which was read a first time.

The Duke of *Montrose* concurred with much of what had been said by the noble lord. He thought, however, that with the aid of convoys, the West Indies might, even in time of war, be supplied from this country; but admitted that a supply so sent would be precarious. In time of peace, however, the question assumed a far different shape, as he conceived there was no doubt that our West-India islands could then be supplied regularly from this country. He objected to the trade between America and the West Indies on account of its giving rise to smuggling to a great extent, and of its enabling the Americans to import into our colonies the produce of the East Indies at a low rate, thereby excluding the merchants of this country from a beneficial source of trade. When he heard the noble lord speak of the advantages of neutral bottoms, he hoped his majesty's ministers had not formed a similar opinion with respect to the trade carried on by America between the enemy's colonies and the mother country. The confining our West-India islands to procure a supply of provisions by means of British vessels in time of peace, would be the means of employing a great number of British seamen, whilst it would prove a beneficial source of commerce to this country, the advantages of which ought not lightly to be given up.

Lord *Sheffield* observed, he was not prepared, at present, not being exactly aware of the line of argument, and calculation, which the noble lord intended to go into; otherwise, he thought he could controvert a great deal of what the noble lord had advanced.

Lord *Holland* deprecated our entering

into any war of regulations with the United States of America, respecting an intercourse which tended to mutual advantage. He could not conceive that the confining our West-India islands to a supply in British vessels would be of that advantage to this country which the noble duke had stated; the seamen employed in such a trade were not of that description to be useful to this country, neither would building ships here for the purpose of sending to America to purchase provisions to carry to the West Indies repay the expence. He trusted that parliament would never again try the experiment which was productive of so much misery to our West-India colonies, in the period from 1784 to 1786, when their supply from America was cut off, and in consequence of which, in Jamaica alone, 15,000 negroes died, from the famine which that regulation produced.

The Duke of *Montrose* contended, that in time of peace an exclusive trade to our West-India islands, in British vessels, would be the means of employing a great number of our seamen, who would otherwise be unemployed.

Lord *Grenville* observed, that the question as to what might or might not be politic or expedient, with respect to the trade to our West-India islands in time of peace, was wholly foreign to the question now before the house. Whatever opinion might be entertained on the former point, it was clear that in time of war, a necessity existed for allowing the Americans to supply our West-India islands with provisions; at all events, he was not disposed to hazard a speculation of confining the source of supply of British vessels, when the subsistence of near a million of persons inhabiting a most important part of the British empire was at stake. He suggested that it would be most expedient to adopt a legislative regulation, which might be done by a clause in the present bill, authorising his majesty in council, to direct his majesty's governors in the West Indies to issue proclamations from time to time, each proclamation to be in force for six months, allowing the importation of provisions and lumber in American vessels. He was decidedly of opinion that some legislative regulation ought to be enacted upon the subject, and that the system of continually violating the law and passing bills of indemnity, ought not to be continued.

Lord *Auckland*, in farther explanation,

observed, a clause may easily be introduced in the committee, to the effect intimated by his noble friend; and in consequence of an observation of the Duke of Montrose, said it was his intention to propose to have the bill printed.—The bill was then read a first time, and ordered to be printed.

HOUSE OF COMMONS.

Monday, March 31.

[*MINUTES.*] Sir John Newport took the oaths and his seat for the city of Waterford.—Mr. Matthews presented a petition from the debtors confined in the county gaol of Waterford praying for relief.—The 20 million loan bill was read a first time.—Mr. Hawthorne brought up the report of the British fishery continuation bill, which was agreed to.—Mr. Hawthorne brought up also the report of the Irish Treasury Bills bill, which was agreed to.—Mr. Brooke, after stating the object of a motion of which he had given notice, for the protection of our colonial produce, by increasing the consumption of Rums, instead of foreign brandies, in the royal navy, and having stated that the consumption of foreign brandy in the navy last year was 625,000 gallons, whereas that of rum was only 220,000, and that this difference was owing, in a great measure, to the manner the duties are now levied; said, that he had so much confidence in the present administration, and in the assurance he had received that the suggestion he had made would be attended to, that he thought it unnecessary to press the motion of which he had given notice.—The motion was consequently withdrawn.

[*SLAVE IMPORTATION BILL.*] The *Attorney General* said, that the motion which he then rose to make, was one in which humanity and sound policy were united. It was to prevent so much of the trade as concerned the importation of African negroes by British ships into the colonies conquered or ceded to us in the war, or into the colonies of any neutral state in the West Indies. At present every state that had colonies in America, or the West Indies, and that were not actually at war with us, availed itself of the opportunity of British shipping to carry on the trade. Even in time of war, our enemies were also supplied with negroes for their colonies by British subjects and by British capital, although in a more indirect manner. The Danish islands of St. Croix and St.

Thomas formed depôts in the West Indies from which our enemies could be supplied with as many negroes as they wanted, which were now brought there principally by British subjects and British ships. From these depôts, Cuba, St. Domingo, Martinique, and Guadaloupe, and many parts of the continent of Spanish America, were supplied; and when it was considered that those colonies were not only the sources of their prosperity, but that they were the foundation of their maritime strength and power, it would appear contrary to sound policy that we should afford them the means of rivalling our colonies, and attaining a high degree of commercial prosperity. The possession of St. Domingo alone was, in this point of view, of incalculable value to France before the revolution. It employed a prodigious number of ships, and formed a number of seamen. Of the settlements that had come into our possession since the commencement of the war, some came by right of conquest, and therefore while they remained in our possession, his majesty had undoubtedly the right of legislating for them. There were others which were ceded by capitulation, the terms of which necessarily restricted this right of legislation. His majesty had already, by his proclamation, dated the 15th Aug. 1804, laid down certain limitations in this respect. It was evident against the policy of this country, that great importations of slaves should take place in settlements which perhaps might be restored at the conclusion of peace. He therefore moved for leave to bring in a bill, to carry into effect his majesty's proclamation of the 15th of August, 1804, for preventing the importation of African negroes by British subjects or British shipping into the colonies conquered by, or ceded to us in the course of the war.

The *Speaker* suggested to the right hon. gent., that in point of form, it was necessary that a copy of that proclamation should be first laid before the house.

Mr. *For* seemed to consider, that a proclamation of his majesty in council might be taken notice of by the house without a copy.

Mr. *Perceval* said, that this was a proclamation not binding on all his majesty's subjects, and therefore it could not be taken notice of by the house, unless a copy were laid before them. He suggested to the learned gent. that it would be the better way to withdraw his motion for the present.

tax, and that the other should escape it. I know very well that every man is bound by law to include this sort of property in the return of his income ; and I say, that for obvious reasons, you ought not to depend on the fidelity of such returns, especially in a case where the intention of the law may be too easily evaded. In the funded property you do not rely on that sort of evidence. My noble friend has made an arrangement, greatly to his credit, with the governors of the bank, by which the tax on all that income is secured. If it be said that the tax will lower the marketable value of such securities ; my answer is, what then ? The law gives no exemption to the income from that source, any more than to the three per cent. annuities. Undoubtedly the value of all capital, wherever it be vested, rises or falls with the interest it produces. In the case of the funded stock this consideration is not regarded. But exchequer bills and navy bills have a marketable value, independent of the interest, which arises, from the facility of transfer from hand to hand, and from other conveniencies in the daily use of them, to which the funded stock is not so readily applicable. I believe then that the tax would not affect the price, or very slightly, if at all, unless indeed you reckon the facility of evading the contribution, as an addition to the value. But, were it otherwise, it is enough for my purpose that the law does not acknowledge the distinction. The law itself, whatever be the practice of the executive power, does not favour the unfunded at the expence of the funded debt. In whatever degree the former escapes, it is a fraud or an injury to the public revenue, and an injustice to him, who honestly pays his share of that revenue. It will strengthen my argument and help you to a clear view of the abuse, if I state a fact in point, though it makes against myself. In drawing up the last return of my property, I forgot I had two exchequer bills of 100*l.* each, which had lain a long time at my banker's. Nobody ever asked me for the tax on the interest of these bills. The consequence is that I am undesignedly a defaulter to government to the amount of so many shillings. The instance is inconsiderable, but it proves the proposition. If a hundred pound can escape in this manner, why not a million ? The remedy is obvious and easy. These bills are paid off at stated periods. When they are so paid, where

would be the difficulty of deducting amount of the tax from the interest due ? I see none. I shall now, sir, to a more general consideration of the state of the country, with regard to surviving powers and resources, reason with the demands, which means are to provide for. A few months ago my noble friend was censured, very much as I thought, for holding out a view of a desponding language on this subject. I do not recollect that he said anything, that was fairly liable to this observation ; but, whether he did or even admitting that he did not, or encourage those sanguine hopes which are entertained or professed by saying that, without suffering our country to be governed by exaggerated hopes, we ought to know the truth of the matter. Without that knowledge, how can you confide or you may despond ; but neither meet your difficulties safely or honestly disregard them. At the state of the country, I say its collective burthens, direct and indirect. A careless conclusion, that the apparent wealth of the capital of the community, is of all things the most avoided, because it leads to the worst and most dangerous error, mean, which begins with enormous pretence, and may end in irretrievable ruin. In this great city, I doubt not, there are many means, by which a multitude of individuals and some great corporations they pay with one hand, may pay themselves with the other, and keep their income whole again. But it is not the case in the country, generally in the cities. On this subject and not without the most attention I have taken my resolution not to extend my taxes proposed to answer the new loan, but to oppose them on principle I act on exempts me from bringing into their specific merits. Every one of them to be unexcusable as a tax, I object to them in the present state there ought to be no new taxes, of the loan for the present year are stated at 1,156,000*l.* and, as far as I am concerned, to me, are to be added to the preponderant taxation of the kingdom, absolute and irresistible necessity alone could justify such a measure. In my opinion we are not driven to this necessity. If we are, prove the necessity.

which I believe the noble lord and I are not likely to disagree; I mean in the mode of collecting this tax. He says, that "it is proposed that 10 per cent. shall be paid on all property above 50*l.* a year; but, on production of the will or deed, constituting the annuity and demonstrating the claim to exemption, the tax office will be authorised to make repayment." Against this provision of the bill, on its principle and on all its effects, I am bound by my opinion to protest without reserve, and to entreat the noble lord to reconsider it. In some senses it increases the burthen on the lowest class of annuitants, who, on the professed principle of the clause, ought to be exempted. It says to the party, who ought not to pay at all, pay your ten per cent. first, and recover it afterwards. In the first place, I do not believe it possible that any person, who has nothing to live on but the annuity described in the clause, can make the deposit. With an income of one hundred pounds a year, for example, I ask is it possible for any man, with or without a family, to lay down ten pounds at once, or even by two half yearly payments? He has it not; and, if he complies with the demand, he must borrow the money. But, granting him to be able to make the deposit, what right have you to drive him to that distress, if he be the person you describe, and who is entitled to the exemption? Then what is the remedy you provide for him? Why, after paying the full amount of the tax, he may recover it from the tax office; that is, he must begin with parting with a sum, which you confess you have no right to, since you promise to restore it, and litigate for it afterwards with the collectors of the revenue. This, I conceive, is equivalent to a new tax. The annuitant in question is taken from his occupation or his labour, and loses some portion of the very income you are endeavouring to bring within the reach of the tax, while he is travelling from his home and attending at a tax office to establish his claim and to recover the sum, which you have unjustly forced him to deposit. I know, by experience, and so do we all, what the unavoidable delays and inconveniences of such a course of proceeding are, and must be. In the case of sur-charges for example, I assure the house that, notwithstanding the best disposition and the greatest industry on the part of the commissioners, the trouble and vexation of going several miles,

day after day, with attendance, &c. was such that, in some instances, of no great amount indeed, I have abandoned claim, rather than be plagued with trouble of asserting it. Yet nobody is in fault; nor do I know how the difficulty could be avoided. Then comes another, and, as I imagine, a fatal objection, even to the remedy proposed. If the tax-office in every county and city is liable to refer, they must be intrusted with a perpetual deposit of public money to answer the claim of exemption, as fast as they are established, which, I conceive, would be a practice unsafe for the public, and contrary to principles, on which the collection of revenue is made and secured. The police left with each tax-office, to favour or to discourage every question of exemption comes before them, deserves to be seriously weighed; considering that the unavoidable delays, incident to the recovery of a sum once paid, attended with waste of time and hindrance of business or loss of labour are equivalent to a new tax, in the form of a burthen, and must tend to harass and distress the parties, and, in some cases, perhaps, drive them to give up the object rather than pursue the process.—The objection, or rather omission, which I have submitted to the house, is objectionable on a very different ground from that, which I have just stated. In that, the tax is exacted from parties, who were entitled to exemption. In this, a great mass of property, which ought to pay, does or may escape totally from the tax. I mean the whole amount of the floating securities of government, commonly called the unfunded debt, on which the proprietors receive interest from the public, just as much, if rather more than any other holder of stock. This property, I believe, may tend to a capital of 25 millions, more or less. The exact amount is not material to the argument; except to shew what enormous loss may be suffered by the public, if the tax on the income of such a capital amounting to 1,250,000*l.* should be duly collected. Is it meant that species of property should be exempted from the tax? If it be, declare it, and state your reasons for the exemption. I establish, if you can, a rational distinction between the public creditor, whose capital is funded, and him, whose capital is unfunded. Otherwise it is a palpable contradiction to justice and common sense that one of those parties should pay

nothing but a failure in the *stamina*. Whenever it bursts, you may possibly be relieved, but it is full as likely you may expire. Now compare the evidence with the allegation. In this metropolis, I know that there did never exist such a scene of expence and luxury, and of unbounded dissipation of fortune, as London exhibits. If extravagance and profusion are proofs of wealth, we need not look further. The proof is equal to the proposition, and exceeds it. Reflecting men, I believe, will not trust implicitly to these appearances. In fact, they can only be accounted for by a glut of factitious riches. No man wastes a real property at this rate. No man parts with gold and silver with the same facility, with which he squanders a mere paper security, which he knows he cannot change into specie. The circulation of this paper however, as long as it lasts, gives life and activity to all the means of immediate enjoyment. It is true. They, who are satisfied with the present, are not likely to consider the consequence. Others perhaps may submit to be better taught by experience. The history of France furnishes an example in point, on a great but still on a very inferior scale. There never was a period of such extravagant expence and riotous profusion in Paris, as in the days that preceded the fall of the royal bank in 1719. France was deluged with paper as we are. Suddenly the credit of the bank failed. Down went the paper, down went Paris, and down went France*. In time however, that great kingdom revived and rose out of its ashes, because it had resources within itself, which could not be annihilated. But our situation, it seems, on the whole is prosperous. We are overwhelmed with paper. There is no specie in circulation. Does any gentleman here receive a guinea in a thousand pounds in the collection of his rents? If you sell your house or your estate, in

what coin are you paid for it? In notes of one kind or other, public or private, no matter which. These notes are value received to-day, and may be worth nothing to-morrow; literally nothing. Between the Property Tax invading us on one side, and the circulation of paper, not convertible into specie, on the other, does any man know what he is worth, or that he is worth any thing? But the power of parliament has interposed to protect the Bank of England from making good the fundamental conditions, on which they originally obtained, and, until the year 1797, held their charter. I know it. The legislature acquits them of their daily promise, still expressed in their notes, to pay so many pounds sterling on demand; unless the promise be performed by the exchange of one piece of paper for another. I know it is an act of power, which cannot be resisted. But is it an act of justice? Is the legislature of this country, or of any country, competent to deprive a real creditor, who has lent or sold a real property, of all remedy against the borrower or the buyer, if he will not accept of an imaginary payment in paper? If the sovereignty of government were vested in a single person, and the same act were done by that person, by what name should we describe him? But the nature of injustice is not altered, much less is it mended, by the numbers who concur in it. This overflow of paper, in universal circulation, has another very mischievous and universal effect. It operates like a tax, grinding the community without benefit to government, by raising the price or nominal value of every thing saleable in every transaction between man and man. I say you must stop the progress of these enormous evils. In a considerable degree, they spring from one cause, and they admit of but one remedy. Oblige the Bank of England to revert to their principles, to make good their charter, and to pay their promissory notes in specie. I do not confide in general descriptions of national prosperity. In spite of all that can be stated of a rich flourishing country, the disappearance of specie is a symptom of real decay; and there is a second, full as formidable as the first. I mean the amount of the poor-rates. What are we to think of the circumstances and prospects of a little kingdom, in which six millions sterling are annually raised for the support of the poor, who live by contribution, because they cannot subsist, as they ought to do, by

* "My intention is, to prove that an ill-contrived system of credit may bring ruin on a nation, although fraud be out of the question: and, if a nation be plunged into all the calamities, which a public bankruptcy can occasion, it is but a small consolation to be assured of the good intentions of those, who were the cause of it. On the 27th of Feb. 1720, an *arrêt* was published, forbidding any person to keep by them more than 500 livres in coin, (or £20 sterling.) This was plainly annulling the obligation in the bank paper, to pay to the bearer, on demand, the sum specified, in silver coin. On the 22d of May, a man might have starved with a 100 millions of paper in his pocket." *Stewart's Political Economy*, Vol. 2. p. 163.

his own mind had been the same as that of his hon. friend; but first impressions were often wrong. At first view it would appear extraordinary that an income of a million should be exempt from the tax. But on consideration he thought the unfunded debt might be exempted from the tax without inconvenience or loss. Exchequer bills were liable to be at a discount or premium. Their being exempt from the tax, of course was productive of an advantage to the public, as the government could dispose of them at a higher rate. His first view had leaned to the opinion entertained by the hon. gent., but on consulting with persons better acquainted with the subject, he was convinced that exchequer bills might be exempted from the tax, without any inconvenience or loss.—The next subject alluded to by the hon. gent., was one of the highest importance, namely, the Sinking Fund. His hon. friend had said, that all ministers were fond of it. It was well known to his hon. friend, however, that ever since its first establishment, he had been a friend to it. As to the merit of the measure, God forbid! that he should dispute it with any man. When it was considered what vast additions had then recently been made to the public debt; it would not be doubted that any administration must, after the American war, have resorted to some such system. But when a man had done a thing, and done it well, he ought to be allowed, for he was justly entitled to, his full praise for having so done. The hon. gent. had said that the only effect of the Sinking Fund had been to keep the 3 per cents at 60; and if it had done no more, that was an essential advantage; it kept up credit, diminished taxation, and lightened the burthens on the people. Besides, whatever kept down the interest of money, must, in a commercial nation, be of infinite service. The hon. gent. would be sensible of this from a little reflection. It was a matter of calculation, and might easily be brought to the result. If he were to take into his consideration the vast loans that had been negotiated during the last war, and reflect what would have been the value of the 3 per cents. without a Sinking Fund, he would be sensible of this. Without a Sinking Fund they would have been down at 50, or suppose that too low, at 54 or 55; and on such enormous loans, what would have been lost both in capital and interest to the public? He was aware that many great and able persons differed with him on this subject, but with respect he might have for their opinion had neither convinced him nor doubt in his mind.—In the last of his speech, his hon. friend had touched on a most important subject, and not then a proper time to discuss it, and would, however, hereafter bring the subject for consideration. He thought that the right hon. gent. who introduced this system, had some such purpose in contemplation at some future time. In a state of war, the subject would well be discussed by them. The country should be in a situation of prosperity, in the enjoyment of peace, might be proper, on a consideration of the state of the debt, of the amount of the Sinking Fund, and of the other resources of the country, to fix some limit, after which, the progress of the debt might be applied to the reduction of burthens. Another argument, which was not distinguished by unusual accuracy, was, that a part of the sinking fund might be applied to the present year. Why, should the fund be continued at 7 millions it would amount to 3 per cents at 60? If the debt were kept the same at the time when at 7 millions kept the 3 per cents at 60? It was his opinion that if any application of the Sinking Fund should be diverted to the present application, the 3 per cents would not be kept up to their present value. The general house was disposed to great exultation when on the subject of the sinking fund. For his own part, he was disposed to give way to such feelings as were sensible that our situation was a great difficulty. They were inclined to suffer heavy burthens themselves, and impose them upon others. As his hon. friend had said about the sinking fund for the poor, he thought it a subject of investigation. That was a proof that there was something in the system, that every thing was square, but did not warrant a continuation of the hon. gent. As to the point pointed out by his hon. friend, he agreed with him in his views on the subject, except that he did not think it the only remedy. He could see no objection to the issues in specie should not be paid. He knew not what was intended by the hon. friend, but he must hear much more on the subject than he had ever before.

his opinion would remain unaltered. He had thus gone through all the general topics touched upon by his hon. friend. As to what he had stated with respect to the property tax, he should only say, that his own great objection, and one which he had last year urged, was against the gradual increase of it. He thought it far better, that at the commencement of a war it should be carried to the full amount to which it would be necessary to carry it, than to increase it gradually. As he was on the subject of the war taxes, he should add, that the present administration found the system in effect. It would be madness in them to overturn it. It was his favourite plan, that at the commencement of a war, whatever war taxes should be thought necessary or desirable in the circumstances of the country, should be imposed at once for 4 or 5 years, to ascertain their operation, and not be raised from year to year. In this view the property tax now proposed had his complete approbation. The country wanted large taxes. He should not enter into the general merits of the budget, though he believed the taxes proposed by his noble friend were liable to as little objection as any other. He was sure his noble friend was entitled to his gratitude, and that of the country, for having undertaken the arduous duties of the office he filled under such circumstances of difficulty; and, though he assumed the office at such an age, what passed on a former night shewed, that he had not accepted of a situation to which he was not fully competent.

Mr. Francis.—My right hon. friend has been pleased to say, that, on the subject of my attention to the government of India and the affairs of the India company, he could not be justly said to have deserted me, because he never gave me any encouragement. I suppose he means that, being tired of the subject himself, at which I am not at all surprised, since no man could be more weary of it than myself, he thought it right to discourage his friends from persevering in that duty. This language, from any other person, would have more the appearance of a charge than a defence. He might possibly find motives for withdrawing from these discussions himself. Of that he is the best judge. But I defy him to state a reason, that will acquit him of all blame, for discouraging others, as he says, from giving their attention to so great a national concern as the government of India. Does he seriously mean that the situation of India ought to have been totally

neglected, and by those particularly, who were best acquainted with it? For that purpose, the example was quite enough without the precept. But it seems he gave no previous encouragement. Very true within the last twelve months. But, even in that period, has he given me no subsequent approbation? And what is approbation of an act done, or of a course adopted but an encouragement to proceed in it? I am not qualified to argue with him about distinctions, which neither of us understand. I adhere to his approbation, which I assure he is too liberal and too honest to retract. On the 17th of January he told me in his own house and of his own accord that he had now deliberately read my speech of the 5th of April 1805, with the same satisfaction, with which he heard me spoken, almost word for word as it is printed; that it was convincing and unanswerable, and that there could be no reply to it. My right hon. friend is not apt to give such commendation lightly. About the applause of such a man, if he were only my judge and not my friend, I cannot be indifferent. His praise is not only a reward, but a powerful incentive too to continue to deserve it.

Mr. Fox declared, with uncommon emphasis, that what his hon. friend had stated of his opinion of the speech of his hon. friend, was strictly true; that he adhered to it still, and never would he retract one word of it.

Mr. Huskisson did not think the advantageous bargains that were now made for loans ought to be attributed altogether to the sinking fund, but rather to the system of raising a great part of the supplies within the year. In the year 1798, the rapid accumulation of the public debt from the expences of the last war, rendered it necessary to act upon that wise and patriotic principle. In the year before that, a small loan could not be had on any better terms than an interest of 6*l.* 16*s.* 6*d.* though the sinking fund had been in operation long before that time. The sinking fund added 1 per cent. to the capital of the debt; but it had not then the effect the hon. gentleman imputed to it, of keeping the stocks at 60. That public benefit was therefore to be imputed, in a great measure, to the system of raising so much of the supplies within the year.—With respect to the supposition that the interest on exchequer bills was not made productive to the property tax, he had to observe, that above half the outstanding exchequer bills were held by the

bank, much to the public advantage, and of course did not escape the tax. The statement of an arrear of 5,800,000*l.* remaining from the last year had made an impression, as if the Ways and Means voted for that year had fallen unaccountably short, or the expences had far exceeded the estimates; as if his late right hon. friend had shrunk from his duty, either in concealing the extent and amount of the services, or in exaggerating the probable produce of the public income. The deficiency in the land and malt was a regular and annual thing ever since the land and malt duty had been voted; therefore it was not to be charged as an unaccountable arrear in the estimates of the last year. The extra charge for ordnance was also an annual thing; the deficiency under this head in the last year, though so much as 561,000*l.*, was short of the average deficiency. The amount of this deficiency in the preceding year was 693,000*l.* It was probable a deficiency to the same extent would occur at the close of this year, and the noble lord would do well to prepare himself to expect it. It would have been more correct, to have stated the charges which had been inaccurately, he was sure not invidiously, described as arrears, rather as extraordinary charges, not likely to occur again. Such was the million to the East-India Company: such the provision for lord Nelson's family, an instance similar to which had occurred but once in the last century; such was the remuneration for the loss of the ships taken in the battle of Trafalgar, in which every one would readily concur.—Next, as to the subsidy. The statement of the noble lord, in speaking of the million required by him for this head of service, gave it to be understood, that the 3,500,000*l.* voted for the service, had been previously expended. The fact was, however, that there was on the 5th of Jan. last, 1,080,000*l.* of this sum in the exchequer, 500,000*l.* untouched at Malta, and 200,000*l.* at Hamburgh. And though 1,000,000*l.* of what was in the exchequer had been since appropriated to navy services in the early part of this year, it was not right to demand a fresh million without an explanation, as if the original grant had been expended under its proper head in the last year. The only case in which it could be charged, was the falling off of the consolidated fund. But it was probable, from the receipts of this quarter, that the surplus of 2,000,000*l.* would be realized. The latter, which had been calculated to have produced 380,000*l.* It was much to give a fair view of the expenditure of each year, if the year of both were made up to the same, and the balances on hand carried to the credit of the next year, and the year of service ended on the same day as the year of receipt on the same day. He supposed this year had originated in some years of great difficulty when it was an object to have a balance of receipt to meet the form of expenditure, but in fairness both ought to be within the same limits, and he was ready to submit to the house's suggestions to that effect. The grants were large; they were for the whole year, and a great part had already elapsed, and the incumbent on it had been in many ways defrayed. Without entitling the administration to much credit for the economy of which they boasted, now passed ought, under the circumstances, to carry them far in the year. He had offered these propositions not with a view to oppose the propositions, but to do away with any impression with respect to his late friend, the noble lord's predecessor, who complimented the noble lord with which he called forth the resources of the country, at requiring so much exertion. He related the country on its resources such as to preclude every idly promising its honour for a precarious security. We should trust for our security to any thing but our own strength and our firmness, relying on that delusive forbearance upon which was a confession of weakness, and to that foolish confidence, many of the once independent states of the Continent had fallen victims.

Lord Henry Petty said, he described the deficiency it was now to provide for, as having arisen in the year, but as being to be provided for at the end of the last year. He had not been in the house when some discussion arose on this subject. He had hoped that the explanation that day, and the time afforded since, would have prevented the subject from being renewed on. He had meant to make a mention of this arrear, he would not

tween the sinking fund and the national debt, which it may be useful not to go beyond; and this the right hon. founder of it, I believe, had in contemplation; but it will be some time before that proportion can be established, at least while we continue under the necessity of being so frequently at war. The sinking fund I regard as a pledge of public faith, which ought to remain untouched, and almost unlooked at, and kept sacred for that single purpose for which it was originally instituted. It is this eminent regard to principle, which has always upheld the character and the power of this nation, and will long continue to uphold them. I have to regret that, notwithstanding every exertion that can be made, the taxes must inevitably fall heavy on some parts of the community. All that I can promise, for myself, is, that I shall, in one respect at least, follow the advice of my hon. friend, of listening to all quarters and to all persons, and particularly to one so respectable as my hon. friend himself.

Lord Castlereagh rose and spoke as follows:—Sir; I am desirous, on the present occasion, of troubling the house with some general observations on the financial arrangements for the year. Approving as I do of the principle upon which the noble lord has framed his budget, namely, that of making an effort to raise a further proportion of the supplies within the year, and not seeing any prominent grounds of objection to the particular taxes he has proposed, I have been solicitous to reserve any points of difference till a later stage; when I might state what occurred to me more particularly, in objection to the very unusual course parliament has been called on to adopt on the present occasion, viz. that of determining on the ways and means for the year before the army has been voted; I am not wishing to interrupt the unanimity which it is my wish should prevail on the main question.—So far as this manly and wise policy, which the noble lord has acted upon, can carry with it any degree of impopularity, I shall be most ready to share it with him, and deem it due to him distinctly to express my persuasion that, had the late government continued in office, the people would have been called on to submit to burthens of equal magnitude.—Before I proceed to the point to which I principally rose to advert, I must shortly take notice of what has this night fallen from the noble lord, imputing to my late right hon. friend (Mr. Pitt) the not having made an adequate provision, in

the course of the last year, for expenditure; the noble lord having disclaimed any intention of ch matter of blame to the right hon. cellor of the exchequer, the not b vided in the ways and means of for the 5,800,000*l.* which in his ment his lordship denominated s and my right hon. friend (Mr. I having clearly explained to the h this sum consisted entirely eithe porary and incidental charges, t connected with the service of: la of charges the provision for whi constaut practice of parliament be made in the present and not i year, I have nothing further t that subject, the apparently inju dency of the statement having i ciently explained and disavow only now necessary to notice t made by the noble lord on t which appears to me not less u though deliberately brought forw has attempted to found a similar defective provision, by compari expended grants of last year wi mandis outstanding and unprovi the 5th Jan. 1806. In stating pended grants, he has undervalue hend, the amount, by not giving 890,000*l.* under the head of army; and 500,000*l.* under that of vote transfers to navy, and other ite will carry the remains unexpende year considerably above 3,000,000 which I am not aware of any cha can be considered in fairness as except the arrears of subsidy of 1. —The noble lord's demands on are composed of claims not de and which could not be paid if were forthcoming, viz. of an i 2,600,000*l.* navy debt, being w owing to the crews of ships on f service; a description of demand w accumulate during a war. The are demands under the head of nance, and barracks, preferred, b amined or allowed, and consequ in a state for liquidation. It i that claims of this description, v amount, must remain a floating cl one year to another. It never ha ought to be the practice of parli provide for demands in this sha there was no special ground t that payment could be made within the year. The provision been framed upon an estimate

bable charge, strictly so called, of each year respectively; and the funds of the year have been applied to defray such charges of the last, as could not come into a course of payment till the current year, leaving the corresponding demands to be issued in the following year.—The noble lord has chosen to make his attack on grounds which will furnish the same means of convicting himself, and hereafter indeed every past or future chancellor of the exchequer who does not think fit to waste the public money by raising a larger amount within the year than can possibly be applied.—I shall close this part of the subject by observing, that the ways and means of last year unexpended, will, I am persuaded, be found very largely to exceed any demands that can fairly be set against them; and I therefore hope the noble lord will be prepared in a future year to distinguish the actual amount from what he now raises, and account for the whole, before he takes credit for any peculiar economy, if it should be found that a large sum remains unexpended at the close of the year.—I shall now proceed to state my objections to the course of our proceedings, not with any view to impede the grants in progress, but to take such notice of what appears to me to be a serious departure from the constitutional practice of parliament upon no case of necessity or adequate expediency first stated to the house, as may protect us hereafter against the repetition of so injurious a proceeding.—The noble lord has endeavoured to contend, that, provided money raised upon the subject does not pass from under the controul of this house, and provided the votes in appropriation of such monies to particular services do not exceed the quantum of supply previously voted by the house, every requisite principle is satisfied. In this I must differ from the noble lord. There are two principles in themselves perfectly distinct; the one, that the public money shall not be applied without the express consent of parliament; the other, that parliament shall not burthen the people unnecessarily, and consequently shall neither by loans or taxes, impose burthens in a committee of ways and means till the necessity for them has been ascertained by previous votes in the committee of supply.—In support of this doctrine, founded equally in good sense as in parliamentary usage, I beg to read to the house the opinion of Mr. Hatsell:—"The object of the committee of ways and means is, as is ex-

pressed in the title of it, to find out modes of raising the supply which the house, upon resolutions reported from the Committee of Supply, and agreed to, have granted to his majesty; and the first consideration attending this proceeding is, that the money proposed to be raised upon the subject by loans or taxes, or any other mode, should not exceed the sum already granted in the Committee of Supply. It is for this reason incumbent upon the chancellor of the exchequer, or whatever member of the house of commons proposes the ways and means for raising money for the service of the current year, to explain and shew to the house, by a detail of the sums granted for the several services, that the amount of those sums will be a sufficient justification in point of quantity, to the committee of ways and means, to adopt such measures and impose such taxes, as shall be then recommended to them; and this proceeding (arising out of that regard and attention which the house of commons ought at all times to shew towards the people, that the burthens imposed upon them may not be larger than the public exigencies require) ought for this reason, if for no other, to be most strictly adhered to."—Such being indisputably the true principle, I am not one of those who will ever contend, that what was meant as a protection and security for the people, shall be rendered prejudicial to their interests by its unqualified and strict application in all cases. I am ready to admit that a rigid adherence to this principle has not and cannot in all cases be observed; but what I do contend is, that a departure from it to the extent now proposed, and upon no assigned ground whatever, cannot possibly be justified. The surplus of the consolidated fund, which it is the policy of parliament, for many reasons, to uphold, is a small departure from the strictness of the principle. The imposing war taxes to the amount hitherto of fourteen and now of twenty millions annual produce, is certainly a greater; but still this is keeping largely within the obvious and necessary expenditure of the year, and is adopted upon distinct consideration of the wisest policy.—But when the noble lord proceeds to raise the entire residue of the funds for the year, before the house has determined on the amount of the army; when we are called upon to assume that what is now to be entirely new-modelled

is to cost neither more nor less than the exploded and condemned army of last year, and this upon the mere personal *dictum* of the chancellor of the exchequer, without even an estimate or account being laid on the table, it must be admitted that we are surrendering our judgment, and proceeding merely upon confidence: the possible inconveniences are obvious; supposing the noble lord should have taken 5 millions more than the house may hereafter think fit to vote in supply, the people are in so much unnecessarily burthened. Supposing he should have taken 5 millions less than, in the view of parliament, the public exigencies may require, can he, after having made his loan and taught the contractors to expect, if not given them a pledge, that no more money would be raised, provide the necessary means with the same convenience and advantage to the public? The noble lord not having offered a single observation to the house to justify this proceeding even on grounds of expediency, I can only state, that those which obviously suggest themselves as having occasioned it, are not in my judgment, as at present informed, satisfactory; and first, the delay of the right hon. gent.'s plan for the reform of the army. It will be for us hereafter to judge how far this mighty change, which is to throw our financial as well as military system out of its course, was called for either by the defects of the existing system, or the merits of that which is to succeed it.—The other explanation which occurs is, the possible wants of the treasury as necessitating this early loan, on the policy of contracting for which at the precise period it took place, I shall feel it my duty to state some doubts. How long the exchequer could have carried on the public service without this aid, it is not possible for me with precision to judge; but I have the noble lord's own authority for supposing that no money was wanting sooner than the 18th of April, that being the day on which I understand he at first stated to the contractors, that he should be satisfied to receive the first instalment. Having determined to make his bargain on the 30th March, and having declared to parliament his purpose of opening his budget on that day, upon learning from the contractors what was in itself pretty obvious, that this long interval, wholly unexampled in contracts for loans, was extremely objectionable to them, as leaving them altogether at the mercy of their subscribers, in case of any intermediate fall in

the market, his lordship was obliged to change his plan and take the first payment on the 6th April when the market is peculiarly unfavourable for such an operation. The bargain made is certainly in itself an advantageous one, generally speaking, for the public; but as terms are relatively good or bad, I am not prepared to say that somewhat better terms might not have been obtained, if this first instalment of 2,000,000/ had been to be paid in at the time the noble lord first intended, and subsequent to the April dividends amounting to 6,000,000/ had found their way into circulation.—I am sure, if either by accelerating the estimates for the army, or postponing the making the loan, the business could have been conducted in its usual course, the house ought to have been saved from the painful dilemma in which it is now placed, of either appearing to impede the provision for the public service, or adopting, for the first time since the revolution, a course of proceeding in breach of the most important maxims of parliamentary practice; for although the house has frequently permitted the chancellor of the exchequer to provide for probable expenditure not admitting of precise estimate, such as army extraordinaries and subsidies, though not previously voted in the Committee of Supply, they never did deliberately before acquiesce in his providing for the army at large before the estimates were considered and voted in the committee of supply; and I trust I have stated enough to the house to protect us against a recurrence to such practices in future.—Before I sit down, I cannot avoid shortly adverting to the gloomy picture drawn by an hon. gent. (Mr. Francis) early in the debate, of the declining and impoverished state of the country. I am perfectly ready to admit that the people are necessarily called upon to submit to heavy burthens, but I can by no means subscribe to his opinion that they seem likely to sink under them. The hon. gent. has had recourse to the poor-laws, and the sum annually applied to this purpose, as a proof of our poverty. It is rather a singular mode of proving his proposition, to refer to a system which has grown out of the affluence and liberality of the nation, and which, however liable to abuse, is generally considered as justifying a very different conclusion. In stating the increase of this charge, he seems to forget, that without any increase in the proportion of the poor receiving relief to the other part of the community, they must

increase in number as the population advances, and the charge of relieving the same number of poor must also increase in proportion as all the articles of food, &c. advance in price.—I certainly do not deny that the pressure of taxes is severe, but I do assert that it is not such as to check or disturb in any respect the industry, and consequently the prosperity of the country.—If the hon. gent. wishes to know what an impoverished and declining country is, let him refer back to the period when my late right hon. friend (Mr. Pitt) first took charge of the finances of the country in 1784. The manufactures and commerce declining in proportion as burthens were imposed, even new taxes counteracting those in existence, and the whole falling short in produce of what they were taken at, and with difficulty providing for the permanent charge of the debt.—We now find, notwithstanding the taxes are since increased so much in amount, that both the old and new duties are increasing every year in amount, that hardly a tax has been laid which has not exceeded the estimate of its produce, and the documents before parliament indisputably prove, that our agriculture, manufactures, and commerce are extending themselves rapidly even in the midst of war.—We have also in later years been able to adopt the salutary principle of raising a large proportion of our supplies within the year (including the war taxes now proposed) to an extent nearly of one half of our war expenditure; an effort which could only be made by a country both highly affluent and prosperous, whilst the sinking fund, already amounting to about eight millions a year, gives us every reason to hope that the moment is not far distant when the comparatively small increase of debt which now takes place may be prevented even in war, and its rapid liquidation looked to with confidence on the return of peace.—The noble lord well described the value of this institution to the public on a former night, by stating it as his persuasion, that, had the sinking fund on its present principles not been established in 1786, we must ever since have made our loans on terms so ruinous as to have incurred an annual charge for interest alone fully equal to what now covers both the interest and sinking fund of the public debt. It may therefore be fairly said, that a perpetual annuity of 8 millions a year has been thereby saved to the nation, which after liquidating the principal is revertible to them.—The

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justice and gratitude of parliament have led nothing to his friends to desire on this head but surely a prouder monument was never raised by the wisdom and exertions of an individual to his own fame, than this single measure, established and inviolably adhered to through times of the utmost difficulty.—Can it, then, be said that the country does not exhibit at this moment the most convincing signs of wealth and prosperity? If the people are heavily burthened, they bear it with fortitude and good will, because they feel it is the necessary consequence of the efforts which they are called upon to make for their own preservation against the common enemy. Heavy as the pressure is, can the hon. gent. recollect any period in the history of the country when discontent was less apparent, or when the nation submitted with more marks of manliness and even satisfaction to every sacrifice the public exigency has imposed? Never did any ministers succeed to a government when that greatest of all resources and support, namely the public mind, was in a more happy temper to aid them in surmounting the difficulties with which they have to contend; never did any ministers find the country on their coming into office more truly prosperous, its revenue more productive, or its credit higher. That such was the state of the navy I am sure they will not deny, and I shall be prepared to maintain, when that subject comes regularly into discussion, that the same may be asserted with not less truth with respect to the army. Finding all the main features of our national strength thus vigorous and entire, I trust they will continue to administer them upon those principles by which they have been hitherto preserved, improved, and upheld. The noble lord has done himself honour by the course he has pursued in his present budget. The despondency of the hon. gent. will not, I trust, discourage him from continuing to tread in the path which his predecessor has marked out for him. So long as he perseveres in doing so, and as it shall be the principle of the government to maintain with firmness that system upon which their predecessors have acted, the noble lord will find me anxious to smooth his difficulties and to afford him my cordial support.

Mr. *Vansittart* observed, that the general approbation of the plan of taxation of his noble friend rendered it unnecessary to say much on the outline of it; and it must meet the particular approbation of those who admired the system of the late right

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hon. chancellor of the exchequer, inasmuch as it was following up his system of war taxes—a character for whom he had the highest respect, and whose loss he, in common with the house, deplored. He admitted, also, the high authority of Mr. Hatsell, whose book had been quoted by the noble lord on the other side of the house, the effect of which was, that the Ways and Means should never exceed the supply. That was perfectly constitutional doctrine. But the answer to the noble lord who had made that quotation, from that most undoubted constitutional authority, was, that, in this case, the Ways and Means already voted did not amount to the supplies by several millions, when the matter came properly to be explained, in a constitutional sense; because none could be called taxes, among the ways and means, until they were appropriated by parliament; and in that sense the supplies already voted exceeded the ways and means by several millions. As to voting the ways and means before the army was voted, it must be recollected, that we had an army estimate already voted for 5 months; and as to that which was now proposed, there was a precedent for it in the vote of the navy in the year 1802, when a vote was first for four months, then for two, and then for the remainder of the year; upon which occasion he had the honour of moving the resolutions, which he read now to the house to confirm his statement. He then proceeded to shew the advantages of applying the system of war taxes to the exigency of our affairs, the effect of which was almost incredible, and for adopting which his noble friend was entitled to a proportionate share of credit. This was a system which commenced with the late war; he would venture to assert the effect had been, that, at the close of the present war, there was a saving to the public of 80 millions of capital, and about 3½ millions of permanent taxes; and if adopted at the commencement of the war preceding, the public would have been relieved of 200 millions capital, and 8 millions a year permanent taxes; and therefore there was no difficulty in agreeing to his noble friend's system of war taxes, for the purpose of preventing the accumulation of our debt.

Mr. Rose maintained, that notwithstanding every thing which had been endeavoured to be argued to the contrary, the noble lord had certainly violated the principle of the constitution of this country, as established in the system of proposing

to the house of commons the means of the year; because he had used the ways and means before the supplies were known, which was the case until it was known what my was to be. It was said, that duce of the war taxes were so applied that they could not be diverted from their intended purpose; but it was a point of fact; for as to appropriation these taxes were voted, as much under the will of the lords of the treasury, and at their command other sum of money voted by parliament for the public service; and that measure, as far as it went, was a violation of the constitutional principle which provided that the ways and means should not be voted until the supplies were known; and this without any ground whatever. These ways and means should not be voted before the army estimates had been voted in a committee of supply; had been done in any instance since the revolution. He must repeat, that this was never attempted before, since the revolution, except in the instance of the hon. gent. who had just moved and which he stated to have taken on his own motion in 1802, which was not to be considered as a precedent, but as a thing of which the house should happen to take a proper notice, and which was hardly right for the hon. gent. to be the author of a bad precedent; and that the propriety of the house never to do the same unconstitutional measure, and this was all he should say on the subject except expressing a hope that such a measure would never be attempted again. As to the taxes, he desired to be understood as not intending to throw difficulties in the way of government; no wish to oppose one of them, nor to do so when the bills were brought in; he thought it right, however, that the house might hear what he had to say upon the subject in the course of their progress, and that he might turn them in his own way, and in the course of his arguments ought to be given weight. In the first place, the tax on the land he was confirmed, would not be what it was estimated at. It was to be made permanent for the term of years; but he did not apply it to the interest of the debt, but considered it as made permanent for the war tax; it had increased at first, but it had fallen off; and he was aware it

produce what it was taken at. He spoke from documents which could not mislead him on this subject; he believed, that instead of taking it at 500,000*l.* it would be wiser to take it at 300,000*l.* The tax on iron was one which Mr. Pitt had in contemplation; but it would have the effect of diminishing the produce of other articles. He spoke on this subject from the best information; for he had, under the direction of Mr. Pitt, possessed himself of information from every furnace in the kingdom; and the papers were at the service of the noble lord, as was every other information he possessed; for his object was to serve his country to the utmost of his power, and not to thwart any measures taken for its support. As to the tax on appraisements, that had also been proposed to Mr. Pitt, but it had been given up as a thing likely to be too unproductive to be entertained. With regard to the tax on tea, there were really serious objections taken to it by Mr. Pitt, particularly on the lower sorts of it, for it was, in general, used with the poorer sort of people, and this he knew from personal experience; he knew that the mass of the poorer classes not only took tea morning and evening, but also very often for their dinner; and this made Mr. Pitt very unwilling to make it the subject of taxation. As to the article of tobacco, it would produce a great deal of money, for there was a large consumption of it; but here, again, it should be remembered, that the value of the article itself was about 6*d.* a pound; there was already a duty of 1*s.* 7*d.* upon it, and this additional 6*d.* would make the duty four times the value of the article, a great temptation to smuggling, certainly; the facility to which was the greater, as it was an article easily carried on horseback. There were many other observations which he might make on other articles of taxation proposed by the noble lord; but he should not make them, because his object was to lend all the aid in his power to government, instead of obstructing it. He then proceeded to observe, that until lately, that is, long within his own memory, no attempt was made to bring the public accounts of this country into any thing like form or system. He wished the house to understand the situation in which Mr. Pitt found the finances of this country, and the situation in which he left them. A committee was appointed some years ago, at the head of which was a very respectable gentleman, Mr. Pitt, afterwards

lord Camelford; and other men of the talents, and to whom the house looked up were on that committee,—the member for Salisbury, and the member for Hertford; and an investigation of the public accounts was then set on foot. That committee reported to the house the taxes then imposed and the produce of them; and as they thought it an object for the house to consider, whether the taxes of that year had any effect on the former taxes, they called for an account of the other; but what was most surprising they did not cast up the totals, and compare the taxes of the year with those which had preceded them; if they had, they would have found that the taxes of that year amounted to one million less than those of the preceding year, although 700,000*l.* had been added to the taxation of that year this was in the year 1782. But when Mr. Pitt came into power, he put the finances into a regular state. The first step he took was to move the house, for a committee to consider the state of the finance of the country, and to bring it into a proper method. The chairman of the committee was a noble lord (Grenville), now at the head of the treasury, a more fit person than whom he did not believe existed, either for that situation, or the present exalted one which he now filled, and whose appointment gave him sincere pleasure. Under that noble lord, was made a report, which brought forward the true state of the finance of the country, and the country benefited much by the labours of that intelligent committee. At the end of 6 years, another committee was appointed, at the head of which was lord Harrowby, whose labours were also abundantly useful. At the end of six years afterwards, another committee was appointed, in which the present speaker of the house of commons presided; and he should not be suspected of flattery when he said that of all the reports he ever saw, this was the best, and indeed it would have done credit to the wisest man that ever considered the subject of finance, and by which any man of common understanding might understand the subject of the finance of this country. All this was under the auspices of Mr. Pitt, and was highly creditable to his memory. As to the subject of the civil list, he was sorry that what the noble lord said on that subject had made the impression which it did, for he was confident the noble lord intended nothing unfavourable from that quarter to be felt by the house, and indeed the arrears had arisen from causes which

The first person who applied a sinking fund
 to the revenue of this country was lord Ox-
 ford, when he was a commoner, and so
 much applause attended him for that mea-
 sure, that in his patent of peerage it was
 stated that he was created a peer for it.
 However, in the South-sea bubble,
 after 500,000*l.* had been laid out upon it,
 the next application of a sinking fund
 was by sir R. Walpole; but afterwards he
 delivered it up in the time of peace, after it
 had paid one million and an half; but the
 next sinking fund deserving that name, was
 the sinking fund of Mr. Pitt; it might be
 said to have been invented by him. It was
 said by the right hon. gent. (Mr. Fox), that
 after the American war, any administration,
 whatever the plans of policy it might have
 entertained, must have adopted a sinking
 fund. He did not know what any admini-
 stration might have done; but this he
 knew, that nobody ever did it as it should
 be done but Mr. Pitt, and by which he
 furnished this country with a permanent
 revenue out of that which did not deserve
 the name of a revenue; for when Mr. Pitt
 came into power, the finances of the coun-
 try were only just sufficient to pay the inter-
 est of the debt, leaving nothing for any
 other expenditure: and in two years
 that time, which was from 1784 to
 1786, he established a sinking fund
 for the debt, which he kept sacred,

...every man had been
...having said so much
...would make an ob
...others, and that by way c
...of gloom as to the s
...admirals, and for this again
...debted to Mr. Pitt, for, during l
...tration, the number of the ships
...my taken by us were actually a
...whole number taken before that
...the revolution, notwithstanding
...which we had been engaged, and
...had acquired so much glory. P
...all together, they would not
...what had been done in the
...tion of Mr. Pitt, in which no
...110 men of war had been cap
...the possessions of the French
...taken in the East and West
...most all their colonies had be
...We had never once been defe
...one engagement, but had be
...ous every where, our arms tri
...every part of the world. All
...the administration of Mr. Pitt,
...while too our revenue was in
...infinitely more flourishing than
...was made the astonishment of
...as well as the state of our trad
...merce; and our navigation e
...yond the example of any na
...face of the globe. He said th
...the due reward of Mr. Pitt.
...say that the situation of the p
...cellor of the exchequer was n
...he knew it was so, but it sh
...increased by any captious o
...him; on the contrary, he sho
...assist him in every thing in his
...he believed he possessed some
...which might be useful to tha
...on many of the topics to which
...alluding. He could not, howe
...than follow the system laid d
...by his predecessor in office, M
...wished the present administrati
...and he wished that, at the end
...reer, whenever that might be,
...be able to render to their co
...good an account of their la
...service, as had been done b
...and an higher honour they
...obtain; that they might obtai
...hearty wish.

Lord Henry Petty explained the subject of the arrears which, he said, it was his house, whether

list to have arisen from matters which were unavoidable, and whether he had not also stated his maj.'s gracious disposition in bringing forward a million to the public service.

Mr. *Long* trespassed upon the time of the house but to reply to an allusion made by a noble lord, in an early stage of the debate, that he (Mr. L.) had made a charge against that noble lord, in his absence on a previous evening, of unhandsomely and unjustly attributing to the late chancellor of the exchequer the leaving great arrears of revenue to be provided for by his successor. He had made no charge of illiberality against the noble lord, but had merely attempted a vindication of his predecessor. The arrears which now presented themselves in the public accounts, were not the accumulation of last year, but arose from deficiencies that had been regularly carried forward from year to year, and the amount of which had been, in most years, increased by additional items; though at the present time, they were not larger than the outstanding demands of last year.

Mr. *Johnstone* expressed his apprehensions that neither the financial estimates of the noble lord would be so productive, nor the expences of the war so limited as his statements alleged. He well remembered that, in a former year of the war, a right hon. gent. now a noble peer (lord Sidmouth) had stated to the house, that, under the aid of the sinking fund, the war might be carried on at an annual expence of 27 millions, without additional burthens on the country; and yet experience had shown, that it exceeded that estimate by nearly 20 millions. He observed, that the debate of this night was for the most part a debate of paradoxes; but the most extraordinary of them all was the argument of the right hon. secretary (Mr. Fox) in respect to the property tax, namely, that the people would be better pleased to carry up the impost to what he was pleased to call "its natural limits," and be taxed ten per cent. at once, than have the charge gradually increased every year; but he believed, if the right hon. gent. had spoken this night from that side of the house where he had been so long in the habit of maintaining other opinions, even with the whole force of his great talents, and all his powers of eloquence, he would have found the strength of language sinking under his exertions, in ridiculing such an argument coming from any minister to whom he might have been opposed.

Mr. *Hiley Addington* rose to express his astonishment at what had fallen from the hon. member, in allusion to a declaration made upon a former occasion by a noble relation of his, not now present to defend himself; more especially as he recollected that to a similar mistake of that hon. gent. upon the very same ground, his noble relation had given an explanation totally different, and such as he conceived satisfactory, and corrective to the hon. gent.'s mistake. On the contrary, his noble relation had said, that if the expences of the war did not exceed 27 millions a year, that then he should be enabled still to continue the reduction of the public debt by continuing the annual contribution to the sinking fund, without any additional burthen on the country. But it was impossible for him to say what should be the limits of expenditure in a war of such indefinite magnitude.

Mr. *Sturges Bourne* made no opposition to the taxes proposed, but thought one argument of a right hon. secretary, in respect to the property tax, rather extraordinary, and the very reverse of what he always conceived to be that right hon. gent.'s opinion of that tax. He had always understood him to have been averse to the tax altogether, and thought he recollected him to have called it "an inquisitionary tax," or some such epithet. He understood him last year as having violently opposed a small increase of the tax; but never till that night, did he understand the right hon. gent.'s objection to that increase, merely because it was too small; or to the tax itself, only because it was not doubled in the first instance, in order thus to render it more acceptable to the people.

Mr. *Ward* begged the noble chancellor of the exchequer, to explain one expression in his statement, on a former night, respecting the subsidiary treaty, which he stated to be so complex and indefinite, as not to afford the means of ascertaining its extent, or whether the million, which he claimed as an arrear on that account, was sufficient. The hon. gent. declared, that, in his mind, nothing could be more clear and simple, than the terms of the treaty. It stipulated to allow to our allies, 12*l.* 10*s.* per man, for every man brought into the field, and British pay from the time they quitted their own frontier till they returned to the same. Possibly the noble lord's difficulty arose from his not being able to ascertain what num-

ber had returned to their own frontier; or that the commissaries who, as it was stipulated, should attend and ascertain the number of troops in the field, had not so attended; otherwise he could not understand where the difficulty lay.

Lord *Henry Petty* answered, that the terms, as expressed in the treaty, did not afford the means of a clear elucidation.

Mr. *Brooke*, agreeably to the notice he had given on Saturday, rose to oppose the tax on sugars, and said, that on whichever side of the house he might sit, he should always oppose every tax that appeared to him oppressive on the commerce of the country, and such he conceived to be that now proposed on Sugars; and which, he was convinced, must fall on the planter, and not on the consumer; for, from the first tax imposed this war, through all the successive increases, and up to the present proposition, which was to complete a rise of the duty to 10s. per cwt. the gazette prices of sugars had fallen, instead of being raised thereby, so that the loss fell wholly upon the planter, who was willing to pay as much as any other subject towards the war, but by this means would pay infinitely more.

Mr. *Vansittart* admitted, that sometimes under the circumstances of a glutted market, and no foreign demands for sugars, this was the complexion which the circumstances of the sugar trade bore. However he promised that some investigation should take place, and that he should move for an account of the average gazette prices of sugar for some years back, in order to form an accurate estimate of the facts.

Mr. *Babington* contested the justice of the tax on property. It would be impossible for men of small incomes to set themselves right without infringing on their capital. Nothing he believed would be more difficult than to persuade people in the country, of the propriety of compelling a man who had 50*l.* a year to pay a tax of 5*l.* while a man of 45*l.* a year wholly escaped.

Mr. *Vansittart* defended the principle of the tax. The hon. gent. had misapprehended it. It was not intended, that the person whose income was but 50*l.* a year, should pay at the rate of 10 per cent. The scale would begin at a low per-centage at 50*l.*, and proceed by arithmetical progression till it arrived at 100*l.* when the highest rate of 10 per cent. would begin.—The resolutions were then separately read and agreed to, and bills ordered accordingly.

HOUSE OF LORDS.

Tuesday, April 1.

[*MINUTES.*] The Cape of Trade Regulation bill passed committee, and was reported.—The ring Laws bill was read a 3d time.—Judgment was given, on the motion of lord Eldon, in the case *Keble v. the East-India Company*, referring to the points to the Court of Chancery.—The farther consideration of the *Countess Dowager of Lincoln v. the duke of Newcastle* and on the motion of lord Eldon, Monday the 14th inst.—Lord moved for Accounts of the Value and Exports to and from Great Britain an annual average of five years, 1793, and five years, ending for several other accounts of the British Manufactures exported Tonnage, &c.; which were all read.—Mr. Hawthorne brought up the Militia Service bill, and two private bills which were severally read a first time.

HOUSE OF COMMONS

Tuesday, April 1.

[*MINUTES.*] New writs were issued for Honiton, in the county of Devon, deceased; John Honeywood, deceased; borough, in the room of William Honeywood, esq. who, since his election, had been in the office of chief secretary to the Treasury in Ireland; and for the county of Sligo, in the room of Charles O'Hara, esq. who, since his election, had accepted of the office of one of the commissioners for managing the affairs of the Treasury in Ireland; and for the county of Wexford, in the room of Parnell, esq. who since his election, had also accepted of the office of one of the commissioners of the treasury in Ireland. A petition was presented from the proprietors of the other proprietors of the County of Wexford, against the bill for maintaining a bridge across the river from Vauxhall Turnpike.—A petition was presented from the debtors in the County of Wexford, against the bill for maintaining a bridge across the river from Vauxhall Turnpike.—The Irish Treasury Bill, for the regulation of the British Fishery bill, were read and passed.—Mr. Calcraft brought up the account of unappropriated money in the hands of the Treasurer of the Exchequer on the 5th Jan. last.—Sir J. B. having moved the 2d reading of the bill, lord W. moved that he had no objection to the bill being read a second time, that circumstance

derstood to be without prejudice to the opposition made to the bill by the persons for whom he presented the petition, or to their right to be still heard by their counsel against the principle of the bill. On this understanding the bill was read a 2d time.

—Mr. Yorke, pursuant to notice, moved for extracts to be laid before the house, of the correspondence between the government of Ireland, and the commissioners, relative to the suspension of the late paving board, in Dublin. Lord De Blaquiere said, he did not mean to oppose the motion, though he must again repeat, that it was natural for a set of gentlemen, who had been so severely censured for their conduct, to have expected that they might have been heard in their justification, before they were condemned. Mr. Yorke replied, that when the papers were before the house, they would show that the Irish government was far from being precipitate in its proceedings. The motion was then agreed to.—Mr. Yorke next moved, that the abstracts presented of the Subdivision Rolls, under the Levy-en-masse act, should be printed. He observed, at the same time, that the abstracts of the enrollments of the year 1804, contained only seven, and that of the year 1805, only six counties. He understood that the late administration informed the lords lieutenants of counties, that the returns were to be made regularly every year; why that was not complied with, he knew not; but he thought it of great importance, with a view to every military system, that the houses should know the number of men in this country capable of bearing arms. Agreed to.—

Mr. Vansittart presented, agreeably to order, the proclamation made by his majesty, relative to the Importation of Slaves by British subjects into Foreign Colonies. The Attorney General then obtained leave to bring in a bill for preventing the Importation of Slaves by British subjects, or in British bottoms, into foreign islands, &c. and for rendering more effectual the order of his majesty in council on this subject, dated 15th August last.—Mr. Vansittart brought up the Tea Duty bill, and the Tobacco Duty bill, which were read a first time.—On the motion of Mr. Vansittart there was ordered to be laid before the house, an account of the number of persons assessed to the Income Duty in 1801, and Property Tax in 1803. Also of the Gross Assessment, under the Property Tax in the year 1803, distinguishing each County, &c. so far as the same can be

made up.—Mr. Huskisson moved for certain papers, not, he said, to provoke a renewal of the discussion which had already taken place, but with a view to get quit of it. He accordingly moved for a comparative account of demands outstanding in 1805, and 1806, exclusive of those for Naval Services; for an account shewing how the 1½ million remaining unemployed on 5th January, 1806, had been employed; and, for an account of the Disposition of 3½ Millions granted last year for subsidies; and whether any, and what proportion of them had been applied for Navy Services in the year 1806.—The house then went into a committee on the Ordnance Treasurer's bill, when, after a conversation between lord H. Petty and Mr. Calcraft on the one side, and Mr. Huskisson and Mr. S. Bourne on the other, principally on the point whether the idea of reform in this department had occurred to the late board previous to, or in consequence of, the Tenth Report of the Commissioners of Naval Enquiry, the bill was gone through, and the Report was ordered to be received to-morrow.

[PROPERTY TAX BILL.] Mr. Vansittart brought in the Property Tax bill, which was read a first time; and on the motion for its second reading,

Sir Robert Buxton said, that as he had not had an opportunity of speaking on this subject before, he would now remark on the extreme injustice and hardship which the bill would inflict, as well on the lower classes of the people, as on the landed property of the kingdom in general. If the exemptions for repairs, for instance, were taken away, the tax would fall unequally, at least, in the proportion of 12l. or 13l. per cent. on the landed interest. This doing away of that exemption, he had always opposed. He did so on bringing in the bill of last year, and if those whose business it more peculiarly was, should not attend to it, he should feel it his duty to propose exemptions for that purpose in the committee.

Mr. Vansittart replied, that the exemption alluded to was not included in the present bill, and that the committee was the proper stage for the discussion of that subject. He said, he meant to propose, that the bill should be read a 2d time to-morrow, for the purpose of having it committed on Thursday, after which it would be printed, and a day appointed for the report, after the holidays, when it would be competent to any gent., who thought proper, to move for its being recommitted. He assured the

house, at the same time, that his noble friend, the chancellor of the exchequer, had every disposition to listen to every reasonable suggestion that might be made; but he must also remark, that exemptions of that kind might be just and right, in particular cases, which would be highly injurious if generally adopted.

Mr. Alderman *Prinsep* said, he was aware that this was not the proper stage for going into any discussion; but promised to deliver his sentiments upon it, when the bill should be in a committee.

Mr. *Bastard* cautioned the house, while they limited the operation of the act to 10 per cent. against sanctioning a principle by which more than that amount might fall on any particular class.

Mr. *Shaw Lefevre* thanked the hon. gent. for the attention paid by him to the convenience of a certain class of the members of that house, and suggested Monday, the 21st April, as the most convenient day after the recess for taking up the consideration of the bill.—The bill was then ordered to be read a second time to-morrow.

[AFFAIRS OF INDIA.] Mr. *Hobhouse* moved to postpone the order of the day for taking into further consideration the report of the committee to whom the petition of the private creditors of the late nabobs of the Carnatic was referred, and moved that the same be taken into consideration on Monday se'nnight.

Mr. *Francis* wished to know if the report would be printed in time for the previous consideration of members, before they were called on to discuss a subject of such importance.

Mr. *Hobhouse* answered, that it was now printing, and he had every reason to think it would be finished time enough to be in the hands of every member during the recess. If not, however, he should have no objection, hereafter, to any reasonable delay.

Mr. *Francis* said, the subject was one of the utmost importance, which involved a question of some millions, no less than six, which certain gentlemen, who called themselves the creditors of the late nabobs of Arcot, said were due to them by those princes: if this was now to be paid, it must come out of the coffers of the East-India company; and in their present most embarrassed and distressed situation, he felt it of high importance to consider how far it was prudent to throw such a claim upon them.

Mr. *Hobhouse* said, that the question before the house regarded only a short

postponement, and would not allow him to go into the merits of the measure. On Monday se'nnight he should move for leave to bring in a bill, and would fully explain the grounds upon which it was founded. At present, he should abstain from all argument, as not being the proper time for discussion.

Mr. *Golding* moved for a copy of the letter from the governor and council at Bengal, dated 28th March, 1805, to the court of directors of the India company, in relation to the friendly conduct of the nabob of Oude towards the British troops engaged in the Marhatta war; which was ordered.

Lord *Henry Petty* rose to express his hope, that an hon. gent. opposite to him (Mr. Huddleston) who had given notice of a motion for that day, respecting the production of India papers, would have no objection to defer that motion to another day, as a right hon. friend of his, not now in the house, (Mr. Fox) was precluded by indisposition from attending in his place, and who was certainly desirous of being present at any discussion which might take place upon this subject.

Mr. *Huddleston* answered, that from the polite and modest manner in which the noble lord had shaped his request, as well as an earnest desire that the right hon. gent. alluded to should be present when he made his motion, because, from the known opinions on that subject always avowed by that right hon. gent., he relied upon his support to his motion, he should have no objection to postpone it till Thursday.

HOUSE OF LORDS.

Wednesday, April 2.

[MINUTES.] Lord *Walsingham* moved for an Address to his Majesty to request a Copy of the Second Report of the Commissioners appointed to revise and digest the Civil Affairs of the Navy. Ordered.—The Irish Militia Service bill was read a second time, and committed for Monday the 14th inst.—The royal assent was given by Commission to the Expiring Laws bill and three private bills. The Commissioners were the lord chancellor, lord *Walsingham*, and lord *Auckland*.—The Cape of Good Hope Trade Regulation bill was read a third time and passed, and a message sent to the commons to acquaint them therewith.—A petition was presented from lord *visc. Hawarden*, claiming the Right of Voting at the Election for Representative Peers of Ireland, which was referred to the Committee of Privileges.—Adjourned to the 14th inst.

HOUSE OF COMMONS.

Wednesday, April 2.

[*MINUTES.*] Mr. Quarre, the yeoman of the black rod, appeared at the bar, and summoned the house to attend in the house of lords, to hear the royal assent given by commission to several public and private bills. The Speaker, on his return, acquainted the house, that he had been in the house of peers, and heard the royal assent given by commission to the Newfoundland Judicature bill, the St. Sepulchre's Workhouse bill, and several private bills.—A message from the lords informed the house, that their lordships had agreed to the Cape of Good Hope Trade Regulation bill, without any amendment.—Mr. Kemp from the Commissioners of Excise, presented at the bar of the house, an account or estimate of all duties of Excise in Great Britain charged and outstanding on the 5th of January 1805, and on the 5th of January 1806, respectively; distinguishing the several articles, and temporary from permanent duties, so far as relate to the Revenue of Excise in England, which was ordered to lie upon the table, and to be printed.—On the motion of Mr. Vansittart, the Property Tax bill was read a second time, and ordered to be committed to-morrow, the right hon. gent. stating that the committal to-morrow would be only *pro forma*, and that it was intended to have the bill re-committed on the 21st inst.—The Tea Duty bill, and the Tobacco Duty bill, were severally read a second time, and ordered to be committed on Monday, the 14th instant.—The house, in a committee, went through the Loan bill, and the report was ordered to be brought up to-morrow.—Mr. Vansittart moved, that the house do resolve itself into a committee of Ways and Means; in which he moved, that a sum not exceeding 3 millions, be granted to his majesty by a loan on Exchequer bills, towards the supply of the present year; which was agreed to, and the report ordered to be received to-morrow.—Mr. Secretary Windham rose, and apologized to the house, for being under the necessity of postponing the bringing forward his motion, relating to the Military Establishments of the country, pursuant to the notice he had given, on account of the severe indisposition of his right hon. friend (Mr. Fox). He hoped, however, the delay would not be longer than to-morrow. He had just left his right hon. friend before he came down to the house, who had told him, that he found

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himself considerably better than he was yesterday, and that he had great hopes of being able to attend to-morrow. The Speaker asked whether the right hon. secretary intended to fix his motion for to-morrow? To which question Mr. Windham answered, yes. General Tarleton then said; there was a motion of his, to the same purport, which stood for to-morrow, and which was entitled to priority, but that he would readily wave it. The motion of Mr. Windham was accordingly fixed for to-morrow.—Sir J. Duckworth's Annuity bill, was brought in, read a first time, and ordered to be read a second time to-morrow.—Dr. Duigenan brought up the report of the Irish First Fruits bill, which was agreed to, and the bill ordered to be read a third time to-morrow.—On the order of the day being read for the house to resolve itself into a Committee of Supply, it was, on the motion of sir J. Newport, ordered, that the several petitions which were presented to the house upon the 7th day of March last, and the 1st day of this instant April, relative to the English Protestant Schools in Ireland; the Foundling Hospital; the Hibernian Marine Society; the Hibernian School for Soldiers' Children; the Female Orphan House; the Association for discountenancing Vice; the Westmorland Lock Hospital; the House of Industry; the Fever Hospital; the Lying-in Hospital; the Royal College of Surgeons; the Dublin Society for promoting Husbandry and other useful Arts; the Farming Society; the Corporation for paving, cleansing, and lighting the City of Dublin; the Commissioners for making wide and convenient Streets in Dublin; the Roman Catholic Seminary; the Parish Church of Saint Andrew; the Hospital founded by Dr. Richard Steevens; and the Commissioners of Charitable Donations and Bequests, be referred to the said committee. The house then went into a Committee of Supply, in which a variety of sums were voted, according to annual custom, towards the support of the above charitable institutions in Ireland, and the report was ordered to be received to-morrow.—Sir J. Newport moved, that the house do resolve itself into a committee of the whole house, to consider the acts which imposed a duty on Dwelling Houses, in Ireland; which being done, the hon. baronet said, there had been a duty of 3s. imposed in the last session of parliament, on Dwelling Houses in Ireland, which had been found oppressive on a great

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number of the inhabitants, and had given considerable dissatisfaction, as there were many houses that did not pay at all, and as the duty was very trifling, it was thought necessary to repeal such part of the said act. He therefore moved, that the duty of 3s. on certain Dwelling Houses in Ireland, do cease and determine. Mr. J. Fitzgerald said, he had foretold, when the duty alluded to was proposed, in the last session, the great dissatisfaction it would create in Ireland, and had, therefore, strenuously opposed it. He was very glad, therefore, to find, that his majesty's present ministers had determined to satisfy the minds of the people, by easing them of so irksome a burthen. The motion was then agreed to, and the report ordered to be received to-morrow.—The house then went into a committee of the whole house, to take into consideration the acts relative to Irish Bank Notes; in which, sir J. Newport stated, that by the act of the 43d of his majesty, the bank of Ireland had been placed, as to the issue of bank notes, nearly on the same footing with that of England; but, that by the 44th of the king, that provision had been repealed, and it was now thought expedient it should be revived; he therefore moved, that the act of the 43d of the king, relative to the issue of bank notes, in Ireland, repealed by the act of the 44th of his majesty, be revived and amended. The resolution was agreed to, and the report ordered to be received to-morrow.—Mr. Hawthorne brought up the report on the Ordnance Treasurer's bill, which was agreed to, and the bill ordered to be read a third time to-morrow.—Mr. C. Wynne brought up Copies of the Correspondence between the Irish Government and the Dublin Paving Board, pursuant to order; which were ordered to lie on the table.—He afterwards brought up the return of the Deputy Clerk of the Crown in Ireland, relative to the return of sir John Newport, bart. for the county of the city of Waterford, which stated, that the said return was received at the Office of the Clerk of the Crown, in Dublin, on the 24th of March last, and was, by him, delivered into the General Post-Office, in Dublin, on the said 24th day of March, to be transmitted to the Crown-Office in England. Lord H. Petty, in the absence of his right hon. friend, Mr. Fox, gave notice, that he would, to-morrow, move, that the sheriff of the county of Waterford do attend at the bar of the house.—On the motion of lord Henry Petty, sir

John Newport was added to the list for examining the joint accounts of Great Britain and Ireland.—Mr. Fox gave notice of his intention to bring to-morrow, a motion of the utterance of the act with regard to the importation of spirits from America with our West-India. This motion he was urged to press in consequence of what he heard was going forward elsewhere, combined with the question of great importance which was to be on the tapis.—The idea of the governors of the West-India suspending our navigation laws in case of war, struck him to be a project, that he felt it his duty at once to move for the production of such documents as were calculated to show the inexpediency, but the danger of proceeding.

HOUSE OF COMMONS

Thursday, April 3.

[MINUTES.] Mr. Baldwin presented a petition from the owners and inhabitants of the parish of Lambeth, Lambeth Inclosure Bill, praying by counsel, against the bill, which was referred to the committee on the petition. Mr. Baldwin moved, that the bill be ingrossed for amendment in Ireland in the 29th year of His Majesty, intitled, "An act for amending the law relating to the First Fruits, pay of Ecclesiastical Benefices in this kingdom, and for the better regulation of the same." as relates to the said charitable bequest of Hugh Boulter, late lord archbishop of Down, for augmenting the stipend of the poor Clergy in this kingdom." The bill was read the third time, and passed. Mr. Johnson, from the office of the Secretary for Ireland, presented to the house, pursuant to their orders, a return of the number of Common Law Writs of *Capias Quo Minus*, issued by the court of exchequer in Ireland, during the last four years, commencing the 1st of January, 1801; and also an account of the quantity of Spirits distilled and imported into Great Britain in the years 1802, 1803, 1804, and 1805, amount of the Duty paid in each year, and the amount thereof in the several years were ordered to lie upon the table. Mr. Hutton, from the navy pay office, presented to the house, pursuant to the orders, an account of the sum

mained in his majesty's exchequer on the 31st of December, 1804, being part of the grants of parliament for naval services for the year 1804; and also an account of the aggregate amount of the certified balances in the hands of the treasurer of the navy and his cashiers on the 31st of December, 1804; and also an account of the exchequer bills issued from his majesty's exchequer for naval services, which remained in the hands of messrs. B. and A. Goldsmid on the 31st of December, 1804.—The attorney-general presented to the house, according to order, a bill to prevent the importation of Slaves by any of his majesty's subjects into any islands, colonies, plantations, or territories belonging to any foreign sovereign, state, or power; and also to render more effectual a certain order, made by his majesty in council on the 15th day of August, 1805, for prohibiting the importation of slaves (except in certain cases) into any of the settlements, islands, colonies, or plantations on the continent of America, or in the West Indies, which have been surrendered to his majesty's arms during the present war; and the same was received, and read the first time, and ordered to be read a second time on the 16th inst.—The secretary at war presented several military estimates, which, he said, did not relate to the military arrangements to be brought forward that night, and gave notice that, on Monday se'nnight, he would move their being taken into consideration in a committee of supply.—Mr. Vansittart presented the second report of the commissioners of revision of the civil affairs of the navy; which was ordered to be printed.—Mr. Vansittart brought up a bill for granting certain duties on iron; which was read a first time, and ordered to be read a second time on Monday se'nnight.—Mr. Perceval gave notice, that on the first day after the recess he would bring in a bill for improving the condition of stipendiary curates.—Sir John Duckworth's Annuity bill was read a second time, and ordered to a committee of the whole house on Monday se'nnight.—The Treasurer of the Ordnance bill was read a third time, and passed. A clause was introduced, providing that the bank should not be accountable for mistakes that might happen in figures.—The house went into a committee, *pro forma*, on the Property Tax bill, which was ordered to be taken into further consideration on Monday fortnight.—Mr. Hawthorn reported from the committee of the whole house, to whom it was referred to

consider further of the supply granted to his majesty, the resolutions which the committee had directed him to report to the house; which are as follow, viz.—Resolved, 1. "That a sum, not exceeding 21,600*l.* Irish currency, be granted to his majesty, to be paid to the trustees of the linen and hempen manufactures in Ireland for promoting and encouraging the said manufactures, from the 5th day of January 1806, to the 5th day of January, 1807 under such regulations and appropriations as shall be directed by Parliament. 2. That a sum, not exceeding 25,000*l.* Irish currency, be granted to his majesty, for defraying the expence of civil building in Ireland, from the 5th day of January 1806, to the 5th day of January, 1807. 3. That a sum, not exceeding 1,200*l.* Irish currency, be granted to his majesty, for defraying the expence of printing and binding 250 copies of the acts of the 46th year of the reign of his present majesty. 4. That a sum, not exceeding 10,500*l.* Irish currency, be granted to his majesty, for defraying the expence of publishing proclamations and advertisements in the Dublin gazette, and other newspapers in Ireland from the 5th day of January, 1806, to the 5th day of January, 1807. 5. That a sum not exceeding 21,880*l.* Irish currency, be granted to his majesty, for defraying the charge of the printing, stationery, and other disbursements, for the chief and under secretaries' offices and apartments, and other public offices in Dublin Castle, &c. and for the riding charges and other expences of the deputy pursuivants and extra messengers attending the said offices, from the 5th day of January, 1806, to the 5th day of January, 1807. 6. That a sum, not exceeding 25,000*l.* Irish currency, be granted to his majesty, for defraying the expence of criminal prosecutions, and other law expences in Ireland, for one year, from the 5th day of January, 1806, to the 5th day of January, 1807. 7. That a sum, not exceeding 2,500*l.* Irish currency, be granted to his majesty for defraying the expence of apprehending public offenders in Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807. 8. That a sum, not exceeding 5,000*l.* Irish currency, be granted to his majesty, to be paid to the board of first fruits, for building new churches, and rebuilding old churches, in such parishes as no public service has been performed in for twenty years last past, and for the encouragement of building glebe

That a sum, not exceeding 200l. currency, be granted to his majesty to George Hatton, esq. examiner, for his extraordinary trouble in preparing accounts for 19. That a sum, not exceeding currency, be granted to his majesty paid to Samuel Hood, esq. assessor of excise, for his extraordinary trouble in preparing accountment. 20. That a sum, not 200l. Irish currency, be granted to his majesty, to be paid to Thomas F. clerk in the office of the auditor general, for his extraordinary preparing accounts for parliament. That a sum, not exceeding 74l. currency, be granted to his majesty for the charge of clothing the guards for eighteen months, from the 1st day of December, 1805. 21. That a sum, not exceeding 2,000l. Irish currency, be granted to his majesty, for the charge of incidents of the Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807. That a sum, not exceeding 22,500l. Irish currency, be granted to his majesty for defraying the charge of the Protestant Schools in Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807. 24. That a sum, not exceeding 2,500l. Irish currency, be granted to his majesty, for defraying the charge of the Foundling Hospital in Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 25. That a sum, not exceeding 1,588l. 15s. Irish currency, be granted to his majesty, for defraying the charge of the Hibernian marine hospital in Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 26. That a sum, not exceeding 8,210l. Irish currency, be granted to his majesty, for defraying the expence of the School for Soldiers' children, from the 5th day of January, 1806, to the 5th day of January, 1807. 27. That a sum, not exceeding 1,081l. 2s. 2d. Irish currency, be granted to his majesty, for defraying the charge of the Female Orphanage near Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 28. That a sum, not exceeding 1,391l. 2s. 6d. Irish currency, be granted to his majesty, for defraying the charge of the Female Orphanage near Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 29. That a sum, not exceeding 1,391l. 2s. 6d. Irish currency, be granted to his majesty, for defraying the charge of the Female Orphanage near Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807.

knowledge and practice of the Christian religion, from the 5th day of January, 1806, to the 5th day of January, 1807. 29. That a sum, not exceeding 8,988*l.* Irish currency, be granted to his majesty, for supporting the Westmorland Lock Hospital in Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 30. That a sum, not exceeding 22,862*l.* 17*s.* 10*d.* Irish currency, be granted to his majesty, for defraying the charge of supporting the House of Industry and Penitentiary in Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 31. That a sum, not exceeding 1,030*l.* 18*s.* 6*d.* Irish currency, be granted to his majesty, for defraying the expence of maintaining eighty patients in the House of Recovery and Fever Hospital in Cork-street, Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 32. That a sum, not exceeding 2,287*l.* 8*s.* Irish currency, be granted to his majesty, for defraying the expence of the Lying-in Hospital in Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 33. That a sum, not exceeding 4,500*l.* Irish currency, be granted to his majesty, towards defraying the expence of building the intended Hall for the Royal College of Surgeons in Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807. 34. That a sum, not exceeding 10,000*l.* Irish currency, be granted to his majesty, to be paid to the Dublin Society for promoting Husbandry and other useful Arts in Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807, under such regulations and appropriation as shall be directed by parliament.—35. That a sum, not exceeding 3,000*l.* Irish currency, be granted to his majesty, for defraying the expences of the Farming Society of Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807.—36. That a sum, not exceeding 400*l.* Irish currency, be granted to his majesty, for defraying the charge of the Office of the Commissioners of Charitable Donations and Bequests, from the 5th day of January, 1806, to the 5th day of January, 1807.—37. That a sum, not exceeding 10,000*l.* Irish currency, be granted to his majesty, for paving, cleansing, and lighting the streets of Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807.—38. That a sum, not exceeding 4,500*l.* Irish currency, be granted to his majesty, to be paid to the commissioners for making wide and convenient streets in

the city of Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807.—39. That a sum, not exceeding 8,000*l.* Irish currency, be granted to his majesty, for defraying the charge of the Roman Catholic Seminary in Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807.—40. That a sum, not exceeding 2,700*l.* Irish currency, be granted to his majesty, to be applied to complete the re-building of the parish church of Saint Andrew Dublin, and building steeple and spire thereto.—41. That a sum not exceeding 4,740*l.* 3*s.* 0*d.*, Irish currency, be granted to his majesty, towards defraying the expence of Madam Steevens's Hospital, from the 5th day of January, 1806, to the 5th day of January, 1807, and to complete the repairing, furnishing, and enlarging, of the said Hospital.—A Petition of the proprietors of the Birmingham Canal Navigations, was presented to the house, and read; setting forth that, in pursuance of powers granted by 5 several acts, of the 8th, 9th, 23d, 24th, and 34th years of his present majesty, the petitioners have made navigable canals from Birmingham, co. Warwick, to communicate with the canal navigations between the rivers Severn and Trent, and from Birmingham aforesaid to Fazely and Whittington Brook, which have opened navigable communications with the Coventry canal and the canal from the Trent to the Mersey; that they have also completed canals and cuts to the lower part of the town of Birmingham, and to the extensive coal mines, in the parishes of Wednesbury, &c. co. Stafford; and that they have expended large sums of money in improving their said canals, and particularly in the part between Birmingham and the coal mines at Tipton and Sedgley; and that, by an act, of the 31st of his present majesty, for making a navigable canal near Birmingham, to communicate with the Severn, at Diglis, near Worcester, the said last-mentioned canal is not allowed to approach nearer to the Birmingham canal than within 7 feet; and, to prevent such approach, a bar hath been erected, by virtue of the last-mentioned act, to separate the said canals from each other; and that application hath been made by the proprietors of the said Worcester and Birmingham canal to the petitioners, to open a navigable communication between the said two canals, for the passage of boats, barges, &c., out of the one into the other, to which the petition-

ers have consented on certain conditions; &c. &c.—The petition was ordered to lie upon the table.—A petition of the wholesale and retail grocers of the city of Dublin, was presented to the house, and read; setting forth, that two acts of the last session of parliament, one by direct prohibition, and the other by the indirect effect of some of its provisions, have deprived the description of traders in Ireland called Grocers, of the benefit of the sale of spirituous liquors, between which and the other articles of their trade there existed a long established and necessary connection; and therefore praying, that the said acts may be so far partially repealed or modified as to permit Irish grocers to sell spirituous liquors by retail on paying the same licence duty as other retailers of spirits.—Sir John Frederick reported from the committee, to whom the petition of Joseph Burnett, of Streatham, in the county of Surrey, and Francis Bigg, deputy land coal meter for the said county, was referred; that the committee had examined the matter of the said petition, and had directed him to report the same, as it appeared to them, to the house; and he read the report in his place, and afterwards delivered it in at the table, where the same was read. Ordered, that leave be given to bring in a bill for more effectually preventing of frauds and abuses in the admeasurement and delivery of Coals, within the several parishes lying between the parishes of Egham and Rotherhithe, both inclusive, in the county of Surrey; and that sir John Frederick and lord William Russell do prepare, and bring in the same.—Mr. Hutchinson presented to the house (according to order) a bill for building a new gaol for the county of the city of Cork, and for supplying the said gaol with water; and the same was received, and read the first time, and ordered to be read a second time.—Mr. Wilberforce presented to the house (according to order) a bill to enable the justices of the peace for the county of York to provide a convenient house, with suitable accommodations, for his majesty's judges of the assizes of the said county; and the same was received, and read a first time, and ordered to be read a second time.—A bill for inclosing lands in the township of Skelton, in the parishes of Skelton and Overton, in the North Riding of the county of York, was read a second time, and committed.—A petition of the Journeymen Boot and Shoe Makers, in the parish of

Leeds, in the county of York, viators, was presented to the read; taking notice of the application of Master Boot and Shoe Makers; that, if the bill prayed for the pass into a law, it will be the several thousands of his majesty and loyal subjects; and therefore that the same may not pass in Mr. Robert Thornton said, he his motion once or twice, in that a discussion would take place, his motion connected with such discussion was not likely to take place this day, he would now bar himself with moving, that therefore the house a copy of a letter from Robert Barlow to lord Lake 20th of Oct. 1805, in answer to a letter from lord Lake to marquis Cornwallis, dated the 6th of Oct. 1805. Mr. Thornton said he had no objection to the production of this paper, warranted accordingly.—Mr. Huddell said that as he understood that some business were to be made to the papers to move for, as there was business of great importance coming on to-morrow, he would not interrupt it by making a motion, but put off the same till to-morrow, when he would fix a day. Mr. Rose said, he should be unwilling to take up the time of the house to discuss the motion, of which he had taken notice yesterday. He had heard of the intention expressed in another place to parliament a measure that the governors of the West-India Company should have discretionary power to suspend the laws of this country. That was ready done this in certain cases, and did so on their responsibility, and not point alone the matter ought to be done. Mr. Rose now gave notice that he should move his motion on this day. Lord Temple said, it was the duty of those members of the board that belonged, to propose that the governors of the Islands should be authorised to do so in the necessity of the case, to grant dispensations alluded to by the hon. [MILITARY ESTABLISHMENT] Mr. Windham rose and said, follows:—Sir; the measures proposed about to propose are little more than a repetition of those general principles I have frequently had occasion to mention in the house, when questions concerning the state of our Military Establish-

made the subject of its deliberations. The knowledge that such ideas existed in the minds of many of my hon. colleagues, as well as of myself, naturally produced an opinion, that some change conformably to these ideas was likely to be the consequence of our appointment to office. And, so far, the expectation was reasonable and just. But, when it was further supposed, that this change was to be immediate, that our appointment to office, and the adoption of measures meant as a permanent foundation for our Military Establishments, was to be one and the same thing, such an expectation was neither warranted by any thing said by myself or by any of my hon. friends, either subsequently to our coming into office or previous to it, nor countenanced, in any degree, by the nature of the proceeding itself.—For, since what we proposed had more for its object to place the service on a right footing in future, than to devise expedients for meeting the present danger, the measures in view were precisely of that sort in which care was of more consequence than time; in which it was more expedient that whatever was done should be done rightly, than that it should be done speedily.—It is surprising therefore, that the hon. gentlemen opposite do not see, that in calling so loudly for new measures, they are pronouncing a condemnation on those heretofore taken; that in carrying so high their expectations of change, when no change was announced from this side of the house, they betray a conviction that things had been left in a state in which change was absolutely necessary. I have said, and say still, that the Military Establishments of the Country are on a false and vicious state, that they stand on a footing on which they cannot stand long; but I have never said, that they could not stand for an instant; that something must be done, no matter what, or the fabric must fall to the ground. It is the hon. gentlemen who are talking this language. There is an expression known in the army, applicable to what happens sometimes under an unlucky field-officer, and is called “clubbing the battalion,” by which is meant, throwing the battalion into such complete confusion, so mixing the front with the rear, the flanks with the centre, the right with the left, the grand divisions with the sub-divisions, that it is impossible for the most skilful adjutant or major, by any series of words of command, to bring it again into order. The hon. gentlemen

seem to flatter themselves, and certain not without reason, that under this head as well as under many others, they have completely “clubbed the battalion,” and then they stand by, grinning and rubbing their hands, exulting in the confusion they have made, and calling triumphantly upon their successors to shew what they can do in putting things to rights again.—Sir, this task I am now to attempt, in that part of the affairs of the country which relate to its Military Establishments. I am to state to the house, those measures, by which his majesty’s servants are endeavouring to provide a permanent security against those permanent dangers, by which the existence of the country is threatened: for we have gone on too long in thinking only of the exigency of the moment, in supposing that our task was done when he had staved off the danger for the present year, though at the price of exhausting the resources and weakening the defences of the country, for years to come.—The first object that a person engaging in such a task must have to look to, though it may seem superfluous and almost pedantic, formally to lay down the position, is an Army: by which I mean, a class of men set apart from the general mass of the community, trained to particular uses, formed to peculiar notions, governed by peculiar laws, marked by particular distinctions; who live in bodies by themselves, not fixed to any certain spot, nor bound by any settled employment; who “neither toil nor spin;” whose home is their regiment; whose sole profession and duty it is to encounter and destroy the enemies of their country wherever they are to be met with, and who in consideration of their performing that duty, and the better to enable them to perform it, receive a stipend from the state, exempting them from the necessity of seeking a provision in any other mode of life. I do not mean to say, that Great Britain has not at this time, as it has had at all others, a class of men answering to this description; that the men of this class are not as excellent in their kind as at any former period; and that the amount of their number is not great as compared with any thing but the exigency of the times. I do not mean to assert either, that we are not, in our language, ready enough to confess their importance, and to declare, that in all the steps we take, we have for our chief object the increase and improvement of this description of men: but, what I do mean to say is, that our conduct in this

respect is at variance with our professions, as our language is, at different times, at variance with itself. Of all the measures connected with military objects, in which the house has been employed for years, what is the number that have even had in view the improvement of the regular army, and how much fewer are those, which can fairly pretend to have been conducive to that end? Though the Army, it was said, was finally to be benefited, the first object of the measure has always been, not to create an Army, but a substitute for an Army; and, in the course of this, we have so filled our minds with levies in mass, armed citizens, armed nations, and other ideas of that sort, that the very first conception and notion of an Army appear to be altogether forgotten. We seem to suppose, that whenever we have got a set of men together, no matter on what principle combined, have put them in a certain dress, ranged them in a certain order, and taught them certain exercises, that, as far as that number goes, we have created an Army; which is about as wise, as what we see of children in their sports, who, when they have fixed a piece of stick in the ground, fancy they have planted a tree. What is wanting in either case, is the vital principle. We perceive this in the case of the children, but never suspect that the same is true of our own attempts, when we suppose that we can create armies without danger and without discipline. Danger and discipline are the very sap and juices out of which all that has life and action must spring: it is from them alone must arise the real military character; as from the military character must proceed all that can really constitute an Army. How danger must operate to this end, is obvious to every one; but it would not be difficult to shew, that discipline is equally necessary, and that all the high military virtues, whose characteristic is courage, grow, like flowers out of dung, from a principle that is founded in fear. There must be some extraordinary property in armies, that can enable them to produce effects so far beyond the natural powers of their numbers. I wish the house to recollect how little, at all times, the fate of nations, when contending against each other, has been decided by any thing but the operations of their armies. The times are past, or, rather, never existed but among rude and uncultivated nations, when one country contended against another by the ge-

neral strength of its population, when the strength of the army was the mere amount of the physical force and courage of the individuals who composed it. Nations now, and in every more improved state of society, even before the great revolution produced in the world by the invention of gunpowder, were brought to act upon each other only by the intervention of their armies. The armies are the champions on each side, to which the countries severally commit their quarrel; and when the champion falls, the cause is lost. The parties are heard only by their counsel. In how many instances has it ever happened, that when the army was defeated, the contest was restored by an insurrection of the people at large? This notion, therefore, of a levy in mass, so far as experience has hitherto gone, would seem to be one to which it would be wholly unsafe to trust. The people in mass are like metal in the ore:—and as all the iron that ever came from a Swedish mine would never hew a block, or divide a plank, till it was wrought and fashioned into the shape of a hatchet, or a saw, so the strength of a people can never, perhaps, be made capable of producing much effect in war, till it is extracted partially, and moulded into that factitious and highly polished instrument, called an Army. The only instance in modern times, that would seem to contradict this opinion, is America. But America was enabled to resist by its distance, and by its vastness. The arm of this country could act but feebly, when stretched across the Atlantic; and the forces that arrived there were dispersed and lost in the immense expanse which they had to occupy. There was an ocean of three thousand miles in front, and a continent of boundless extent behind. America is therefore hardly an instance. In the cases that are properly instances, in what manner have things happened? The latest experience is the most decisive. What are the two events, which more perhaps than any other two, have decided the fate of the present world? The battles of Marengo and Austerlitz. Yet, what were these events, except as marking the power of armies, compared with the consequences which they severally produced? What were the numbers concerned, the space occupied, the time employed, the lives lost on those days, compared with the states and kingdoms whose fate was then decided? Why were the millions of people composing those states to receive their

doom from the issue of a combat between a few thousands on the plains of Austerlitz or Marengo? Yet such was the fact. The battle is lost, and Europe submits instantly to the will of the conqueror.—But it is not merely that the fact is so; our own opinions are in perfect conformity to this fact, whenever we reason upon the affairs, not of our own, but of any other country. When the emperors of France and Germany drew forth their armies lately to their respective frontiers, what did we ever expect was to stop the progress of either army, but the army opposed to it? Why, in fact, were the armies drawn out at all, if to stop the progress of an army the population of a country could be sufficient? When general Mack was defeated, we looked to nothing but the Russians. No one ever dreamt, that if they likewise were defeated, or withdrawn, that Buonaparté was not to proceed to Vienna, with as little trouble, and in as short a time, as was necessary to march that distance. Yet, it was not because there did not exist in those countries a brave and warlike people animated by the usual feelings of men attached to their prince, and loving their ancient institutions, and abhorring the idea of a foreign yoke. All these there were; yet of five and twenty millions of loyal subjects, by whom the emperor boasted to be surrounded, not five-and-twenty perhaps were found, by whom the smallest resistance was attempted, when once the armies were overthrown. If ever there was a country calculated to be defended by its inhabitants; if ever there were inhabitants qualified to defend a country, it was Switzerland, and the Swiss. The country was a succession of passes, where an handful of men might defend themselves, one should suppose, against thousands: the inhabitants were a nation of warriors; strong in limb, stout in heart, whose courage in Europe was proverbial; who had all seen service, and who were attached, beyond measure, to their native soil. Yet, without any falling off, perhaps, from their ancient character, how little were these people able to do, even in defence of such a country, against the force and skill, and active powers of a regular army!—The case may possibly be widely different here. I hope, and trust, it will be so. I am willing to push as far as any body the hopes to be entertained from the zeal, the energy, the patriotism, the intelligence, the creative talents, the enterprising spirit, the high mind, and determi-

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ned valour, of the inhabitants of these islands; but, though I will hope every thing from these qualities, and do feel sanguine that the hope will not be disappointed, I will not, when I can avoid it, make them part of my calculation. And here it is whimsical to observe, that while certain gentlemen are charging me as indulging my fancy, and dealing in theoretical opinions, it is they themselves, if their modesty would suffer them to perceive it, who are the real theorists, and who, like the gentleman in the French comedy, are talking prose without knowing any thing of the matter. Their opinions are, I trust, perfectly well founded; but still, as leading to conclusions different from those which experience has hitherto taught, they are no more than theory; whilst I, whom they accuse as theoretical, am keeping close in my conduct, whatever I may do in my hopes, to the dull and beaten road of experience.—In the mean time the facts and reflections above set forth, the object of which is to recall to gentlemen's minds the importance of regular armies, will not be deemed superfluous or misplaced, if we either consider the system which has been pursued by the country for some years past, or turn our thoughts at once to the result, namely, the very important, and, as some may think, very alarming fact, that of the regular forces, (as it is now the fashion to call them) to which the defence of this country must be entrusted in case of invasion, not less than one hundred thousand are composed of troops, who, by the very tenure of their service, can have never seen a battle, till they come to fight that first (and perhaps last) battle, (against troops, too, such as they will have to contend with), which must be decisive, probably of the fate of the country.—Assuming, then, the importance of regular armies, which no one denies, but which every one seems disposed to forget, the next enquiry is,—how they are to be obtained? that is to say, in the present instance, how we are to insure to the country, what, for many years, unquestionably, it has never had,—a constant and permanent source of recruiting adequate to the supply of its regular forces?—The nature of things here yields us but the option of one of two modes; force or choice. In most of the countries of Europe, the nature of the government admits of a recurrence to the former of these modes; and, undoubtedly, whenever that is the case, where the power of the government is

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such, that persons acting in its behalf, have no more to do than to go forth among the artisans and the peasantry, taking with them the standard they mean to observe of age and size, and selecting, of those who are found to answer it, as many as will suit their purpose, there can be no process so easy, so effectual, so certain; but, unluckily for the present object, though happily for every other, this is a process to which this country cannot resort. It is not that the abstract right is wanting; there must be in every country a supreme power, and, in theory, nothing can limit what is supreme; but practically, the exercise of this power is so fettered and controlled, the measures of force which we can employ are so confined to legal forms, so abridged, restricted, constrained, and modified, that the effect is reduced to almost nothing; the machine is stopt by its friction.—But, it is not merely on the score of Inefficacy that measures of this sort are objectionable. The force of free countries, while it is inefficacious often in respect to its object, is ten times more efficacious than that of the most arbitrary, with respect to the severity of its operation. A purely arbitrary power is, by its nature, a discretionary one; and discretion, when vested in proper hands, and where no temptation exists to the abuse of it, is the best and mildest of all rules. A German prince, or Russian nobleman, who had his subjects or vassals before him, could dispense with the man to whom service was a hardship, and say to another, to whom it might be no burthen at all, you shall serve in his room. But the law can make no such distinctions, can have no such feelings; it must take whatever comes before it, without considering the hardship it inflicts, or whether it is operating upon a live subject or a dead. It works like a machine, like a mill, and would grind the miller, if he should happen to fall in, with as little compunction as it would the corn.—These are, speaking generally, the objections to the use of coercive means, in a country like this. But, after all, our measures of force, as applied to military service, are measures of force, only in name. We force nothing but the money. That we can do; we can make the men pay; but the service is at last performed by the man who engages voluntarily. The real character, therefore, of our measures of compulsory service, is only that of a tax, and of the worst of all taxes, that of a tax by lot. Let a tax be

imposed equally, so as to bear in proportion upon all parts of the nity, and there is nothing hardly country like this cannot sustain may venture to say, that if a tax lion could be laid on in the night, without any notice from d in this house or otherwise, and art possessed by a late great whose race is run, or by that of friend, whose star is now beaming the horizon, and rising, I trust, glory, the country might never that any new burthen was imposed them. Some might conceive, per they felt a little heavier; as men ferent states of the atmosphere; t no barometer to ascertain the would ascribe the opinion to f think no more of it. Were th however, instead of being dispersed way which I have supposed, div 20,000 shares of 50*l.* each, or 50,000 shares of 20*l.* each, and those who might be selected for pose, and on many of whom it m lot, it is easy to see what calam produce; that it might crush so every step it took; would draw almost every stroke.—Nothing can be either so false in principle, oppressive in practice, as what measures of compulsory service, so many, without consideration, petually calling for. We hear that the crisis of the country de crifices, that half measures will n we must have something stron calls come, I am afraid, in ger those, who hope after all, that tl of the measure will not fall u Let us settle our minds distinctly subject. Do we mean a co which, proceeding by ballot, (the I presume we think of) shall be us to the person on whom the lo compel him, whoever he may b for a limited term as a soldier? the hardship will be found to no country could endure. If v if we mean that he shall be to commute his service, then commutes it for a fixed fine, w us to the sort of tax, which has spoken of, or for a substitute, w instantly run up the bounty to i which, besides being a tax, and more heavy, makes it impossible to supply the army by any other

We have, in fact, had experience of these measures; and the effect of the trial, though necessary perhaps at the time, and certainly productive of much immediate advantage, does not encourage a repetition of the attempt. If a conscription is proposed, numbers are instantly ready to declare in its favour; but, if you only change the name, and ask whether we shall renew the act for the army of reserve, however productive that measure was, raising certainly a greater number of men than has been raised before or since in the same time, the feeling is instantly reversed, and we declare decidedly against any measure of the sort.—I will not pretend to say, that no such measure can at any time be resorted to. It is impossible to say, to what the exigencies of the times and the necessity of the state may drive us. But of this I am sure, that without a more urgent necessity than exists at this moment, measures so oppressive in their immediate effects, and so injurious in their lasting consequences, should not be resorted to, till it is seen that milder and more legitimate methods were incapable of succeeding.—These methods are many of them so obvious and simple, that it seems to be matter of no small surprise, if in all this time we should never have thought of having recourse to them. If our army is to be composed of men who enter voluntarily, in what possible way can we hope to fill it but by bringing the service to a state in which it may be an object of their choice? Our attempt, on the contrary, seems for many years to have been to induce men to engage in a service which is not the object of their choice. Can it be surprising that we should have failed? We complain that the part of our population willing to engage in military service, upon the terms on which it is now offered, is not sufficiently numerous to furnish the supply required. The answer is, if you cannot change the state of your population, change the state of your service; improve it till it becomes an object to greater numbers than are at present inclined to engage in it. Without this, our means of recruiting must, for a part of it, be mere deception and artifice. We are in the state of men selling wares inferior in value to the price we ask for them; and, accordingly, are perpetually saying, that none but the ignorant and the thoughtless will ever be tempted to become buyers. To such a pass has this got, that of late years one of our chief resources has

been by recruiting boys. Men grown up with all the grossness, and ignorance, and consequent want of consideration incident to the lower classes, are too wary to accept our offers: we must add to the thoughtlessness arising from situation, the weakness and improvidence of youth. Why this, unless the trade of a soldier is incapable of such improvement as may bring it into competition with a sufficient portion of the trades and callings in lower life?—Nothing can shew more the false state into which our system of recruiting is fallen, than the practice, now so long familiar to us as to be received as a matter of course, of engaging men to serve by bounties. We forget that this was not always so; that within the memory of many of us, so late as within a few years of the breaking out of the American war, the idea of bounty, properly speaking, was unknown. A guinea to provide the recruits with necessaries, and a crown to drink the king's health, was all that was given upon enlistment. The service itself was the bounty. Whatever is added, shews decisively, that the service does not stand upon its true footing; and the amount of the bounty, bating the change in the value of money, would be the measure of the deviation, if it was not that by our injudicious methods and the competition that has been thus excited, we have raised these bounties beyond their natural amount. All that is given by government to induce any man to enter the service, is a confession that the pay and condition of a soldier is not what it used to be, a real equivalent, in the estimation of the man entering, for the value of his service. We are paying a man to accept what we offer: we are buying the buyer.—Never, therefore, can the system of supplying the Army be considered as resting upon its proper basis, till the necessity of bounty shall have ceased; and till the trade and calling of a soldier shall be brought to the state of other trades and callings, for entering into which no man receives a premium, but where, on the contrary, a premium is often paid for permission to enter. Such a change cannot be brought about at once. When things have long gone on in an improper channel, time must be required to turn them. But this must be the end aimed at, and I know not what there is to prevent its being ultimately attained.—Two things are necessary: the first and most important is, that the condition of service should be such, as that a sufficient portion of your population,

ments. Therefore, with respect to discipline, my own opinion is that to temper it would tend to the improvement of the army.—There is another, and a very material effect it would have: it would lessen Desertion. I would ask gentlemen on the other side, whether they do not know that the Desertion under their bill, the Additional Force Act, has amounted to more than one fifth? Of 13,000 men raised by it, I believe it will be found that 2800 have deserted. What has been the desertion with regard to the general service of the army? We know that the vicious system which led to our buying men by high bounties, has been as wasteful to the funds of the public as injurious to the service. We know that high bounties, combined with other bad regulations, have tended to produce Desertion. There is another objection urged against this change, which applies to this country more than to any other, because of our foreign and colonial service. I shall not be the person to say that it is not a consideration which ought to weigh of itself, and that in adopting the measure, the objection ought not to be provided against; but it is so distant and especially with respect to a plan intended for permanency, that it is hardly worth attending to. The objection may be reduced to so narrow a compass, as to have hardly any effect. Expedients may be adopted within certain limits, by which the colonial service will not receive the least injury. Additional allowances may be granted to colonial services; application of the men already enlisted; additional advantages in various respects; all these collectively will be so far found to narrow the objection, as that the value of it cannot be set against the advantages in other respects. It is in that way only I dwell on the circumstance. The inconvenience cannot be felt for a number of years to come. Unquestionably, if there were any of our distant possessions to which this objection could apply, it would be those in the East Indies. Now, we know that all the armies of the East-India company are recruited for a term of years, and for a very short term too. I have heard it said, that the East-India company did not keep faith with their troops, and I once was of opinion that there was some foundation for the assertion; but I am now persuaded by what I have learnt from an authority on which I can rely, that my opinion was erroneous. I am convinced, that had the East-India company

done otherwise than they did, their ing could not have gone on. I am on the authority of an officer of 1 that they were scrupulous and a degree, as to providing for the men whose terms were expired, and sent them home with the accom of the company's own ships, which best accommodation they could. Therefore there was nothing that could complain of. This is a tactful argument and authority; for with no inconvenience carry on it by enlisting for a term of years tant a colony, you can surely do. Among the remedies, would be blishment of that branch of the ar has been approved by the High rity; I mean the Second Battalion were asked what I would do with whose terms of service were near I should say, put them into the stations. It is curious to observe carelessly many plans are objected for among many well-written drawn up with much care and in persons who are supposed to be acquainted with the subject, one immense expence that will consequently tend the having so often to bounties. This is to suppose, which will not be the case, that the bounties continue as they are at present not follow that they are to be same, though the reduction of place all at once. If the system is persevered in, I am convinced bounties will be reduced to nothing urged that if limited service is a must be losing constantly a number at the expiration of the term of service; that is, if you enlist for 8 must, at the end of 8 years, of your army. Such a calculation, do, supposing that none of the men die, but delivered up their service at the end of their time. But you can the calculation as you would with to annuities or leases. The fact is, a number of people you would lose that be very inconsiderable. Many be alive, but would be replaced and many would have received ment in the way of promotion without attach them by interest to the others would, from having been tuated to a military life, not be to claim their discharge. With men on foreign service in the

West Indies, I am aware I am not at liberty to argue as to the number who would claim to be discharged. It may be said at the same time, that this circumstance may give rise to competition amongst regiments who would wish to have those men at the expiration of their service. I do not apprehend any thing of this kind; but if it were possible even to happen, the remedy for it is obvious and easy. If a soldier should have a strong desire, at the expiration of his term of service in one regiment, to go to another regiment, I do not see why this desire may not be gratified, on certain terms. If, from any circumstance, he should so much prefer another regiment as to be content to purchase the exchange with the loss of three years' service out of seven, I should consider it hard to prevent him. It will be sufficient for the sake of discipline, that there should be this considerable discouragement to the changing his regiment, at the expiration of his term.—I have been urged by the calls of the right hon. gent. opposite to bring forward the measure this day before the minute details of it are in every instance completely arranged. It is not however very material whether those details are brought forward to-day or a few days later, as the holidays will afford gentlemen a convenient opportunity of considering the particulars of a subject, of which every body knows a little and nobody knows much. With respect to Desertion, I think there might be a power vested in courts martial to restore the unfortunate persons who may have transgressed, perhaps from intoxication, if not to a whole, at least to a part of what they would be entitled to at the regular expiration of their term. It would be cruel to deprive a poor man of those privileges and rewards to which by service he was entitled, because in a moment of inadvertency or intoxication he had been prevailed upon by others or felt an inclination to desert. This must produce a gradual effect upon the army. It is certain that desertion prevails even in the most limited service; but to say that the prevalence of desertion would not be counteracted by the prospect of release at a certain time, is to argue against the first principle of human nature. But then, it may be started as an objection to this, that men desert from corps whose services are limited, as well as they do from those of a different description. Certainly they do so, but I still contend that they desert in the one case when they would

not in the other. I might here use the same argument as in the cases of high and low bounties. The truth is, that these things happen often by chance, or from circumstances, independent of bounty or term of service. Men desert when they see others deserting around them, from the influence of bad example or persuasion, and a variety of other causes. But still here I must look at the general principle which must influence the mind in a greater or less degree.—It is also urged, that those who enter into the service are, for the greater part, thoughtless, inconsiderate, and often unprincipled men, who never look to distant advantages of any kind whatever. I will not deny, but that, in a great degree, it is so; and that is one of the principal defects I complain of in our present system. But the great benefit which may be fairly expected from a measure of the sort now proposed, is, that it will introduce a new and better description of persons into the army, not altogether so thoughtless nor so inconsiderate, but who are attracted by the advantages that the military service holds out.—I may be told that to hold out to a young lad the prospect of an advantage at the end of 7 or 14 years, is to hold out an advantage that will have no weight with him. Certainly, it may have no weight as applied by the young man directly to himself; but, when he sees the influence it has on those around him, he cannot fail to be equally influenced by it himself. He will perhaps converse with his uncle Tom, who, 14 years before, had gone for a soldier. He will see him, after completing his terms, enjoying in full health and vigour, with constitution unimpaired and in the prime of life, the honourable allowance granted by his country in reward of his services: while some other relation, perhaps his father, who remained at home, is reduced to poverty and want, and wringing a scanty pittance from the parish. An example such as this, in his own family, cannot fail to induce a young man, more than any profound calculation, to prefer the military life; for it is not so much from individual judgement as from the estimation in which the service is held by others, that it derives its principal attractions.—As to the period of service, that may be varied as may be deemed most conducive to the object proposed, namely, the supplying and augmenting the regular army. The inclination of my mind is, that 7 years is the properest term. Seven years is a term familiar to this country, and no-

thing more than the generality of all apprenticeships to trades. I think it is also such a term as will combine that mixture of the service of the man, which the army would require, with the attractions, that will be necessary to induce him to enter it. After the first period of 7 years, I should propose that the soldier should have the privilege of his discharge, and all the advantages which are at present enjoyed by those who have served in the militia, such as the right of exercising his trade in any place where he may choose to settle. These should be all the advantages for the first period.—If the soldier should wish to renew his engagement for a second term of 7 years, I should then propose that in addition to these, he should have a small increase of pay, not so large as to do any injury to the service, and yet sufficient to form a mark of distinction. For this purpose, six-pence a week will, I think, be enough.—For the third period, it might be proper to have a farther increase of pay. But, reverting to the second period (on the suggestion of a friend near me); with regard to the second period, the soldier will again have a right to his discharge. I am speaking here of the infantry. For the cavalry, different terms may be fixed, perhaps 10 years for the first term, 6 for the second, and 5 for the last, as more time is necessary for training the cavalry, and still more for training the artillery. At the end of the second period it is the inclination of my mind, that the man should have a pension for life. At that time, undoubtedly, he might be perfectly entire and fit for further service, full of health and strength, and in the prime of life; but still, by going home in this condition, and holding out to all around him an instance of the advantages offered by the service, he would perhaps be of no less advantage, probably he might be of more, than if he had continued to serve for the third period. Invaluable as it would be to retain a soldier of this description in the service, it is infinitely more valuable that he should go back into the community, and exhibit a beneficial example in the enjoyment of the merited bounty of the country. The sum may be hereafter regulated. Whether any service should be required of them, and whether they should be at the option of the Chelsea board for home service in the garrison battalions, I shall leave to be hereafter determined.—For the third period I should propose an increase of pay of one shilling per week, for they would then be soldiers fully tried and worthy of having

the highest confidence placed in the end of the 21 years it is I should retire with the full at Chelsea, such as it has been the late government and the chief for those who have distinguished themselves in particular places, undergone particular services; and who have lost their sight in Egyptian regulations this allowance raised to a shilling a day. They shall entitle themselves to this shall be free from all further service in garrison battalions, or in any other if they carry off robustness of strength of constitution, so much. After being so long employed in of his country, it would be but empty the soldier from further service kind, and to allow him to return some of his friends and relations more capable he is of enjoying of his services, the more striking and honourable example may still promote the advantage to the family by some trade or calling tribute essentially, by example a martial spirit throughout his life. One thing I omitted and that is, the inconvenience supposed to result from regulations with respect to the Colonies. In order to remedy or prevent inconveniences, a power may be given to the commander of a regiment, or may have the chief command or to discharge the men at the several periods as the case then is, with this proviso, that in case of this proviso, that in case of they should be empowered to service of those whose term expired, for six months, and no longer, at the end of which time they shall be entitled to their discharge as the East-India company treat in their service; that is, they shall have the expense of government every possible accommodation the principal changes I propose for the condition of the soldier, and I look forward to the most beneficial. There are many subordinate changes which I consider not so much matter of provision as of military regulation which I conceive may be left with consultation of illustrious personage at the army.—There are many other things that may be calculated to raise the question in which the service is

may contribute to raise the consequence of the officers, and through them that of the men. These, however, I shall omit for the present; first, because it is not necessary to state them, and, secondly, because as they may be of a delicate nature, it may be improper to enter upon them till they can be mentioned in detail. Among these, however, I may certainly state the allowance to officers' widows, which I wish to make somewhat more than it is at present; the allowances now are so scanty, that the dispensation of them is really heart-breaking to those employed on that painful duty.—The principle of recruiting for a term of years, will of itself go far towards filling up the Army. To place the character of a soldier in a state that its own attractions may operate as a bounty, ought to be the great object of our consideration. We must increase and add to that respect which, amidst a thousand disadvantages, still renders the trade of a soldier attractive. Before I proceed further, I beg leave to observe, with respect to the cavalry and artillery, that the terms of service should be five, six, and ten years. This difference arises chiefly from the length of time, necessary for training and disciplining the cavalry and artillery in the first instance. These things will certainly operate in a considerable degree, generally and individually, on the recruiting service; but I despair of succeeding to the full extent required, until the Army is rendered worthy the attention of the lower orders, as a trade as beneficial in itself as others, and more respectable than many. Under the present circumstances, I cannot think of putting the Army on such a footing as would attract numbers by ordinary recruiting, but, in my opinion, the Army may be increased, and a quantum sufficient of men procured without much difficulty. With these observations, I leave this, which is the most material part of the subject.—(here Mr. Yorke asked, what was to be done with the present Army?) On a subject so complicated, one is apt to forget many things. It is asked, what I mean to do with the Army now existing? To this I answer, that in strict justice and in equity we can do nothing. The men who have already formed the regular service, have done so on certain conditions, and can have no ground of complaint, provided those conditions are fulfilled. We see men entering into the army of reserve, without producing any discontent or desertion in the troops of the line, though the

service of the former is limited, and the bounties are excessively high.—It might be supposed, that the regular army would expect similar advantages, or be dissatisfied yet we know that no envy or discontent prevails on that account. In the American war, the Fencible regiments received higher bounties for limited service, than others did for unlimited, and yet there was no complaint on the part of the latter. The same case occurs in every war, and as no discontent has ever been shown on this more obvious ground, it is not to be expected that any will be shewn with regard to the different length of the term of service. But though in justice and in equity the Army now in existence is entitled to more additional advantages, yet it may be, no doubt, expedient to extend to it some of the benefits of these changes. And first I propose to make a great increase in the Chelsea allowance, to which I mean to make an immediate and considerable augmentation: The lowest class of pensioners to be entitled to 6*d.* the next 9*d.* and the third to 1*s.* per day. This advance I should wish to take place immediately; from motives as well of just consideration of past services, as of policy to give immediate effect to the influence of the example. It will demonstrate to the men the concern which the country takes in their welfare, and will hold out an inducement for others to embark in the military profession. If this be done, and in my opinion, it ought to be done immediately, every man in the Army will see that he has a chance, however distant the period, of partaking in what the bounty of the nation has provided for its defenders, when they shall have merited the rewards from their long services. No man of those now in the service will be entitled to his release till after the expiration of 21 years; but all those who have now served 7 years and less than 14, will be immediately put upon the list of the 6*d.* a week additional pay; and all those who have served 14 years and upwards, will be entitled to 1*s.* a week additional pay. This is all that I shall do with regard to the Army which already exists, and it is to be regarded as a liberal boon, to which they could have no right by the conditions of their engagement.—Having answered the right hon. gent. (Mr. Yorke) as to the Army now in existence, I shall next proceed to that great branch of political science which circumstances, and the nature of the times have forced on our consideration; namely,

what is to be done with that part of your population which does not exist in the shape of an Army? I am well aware of what, using, properly speaking, the physical force of a country is capable. But it must be admitted, that the real military force has had an almost exclusive example in determining the fate of nations. In our own history, there is scarcely a single instance of the mere population of a country assuming successfully in its defence, except in the case of America; which, indeed, can scarcely be called an exception, for it must be recollected, that their soldiers are so more from the great distance of America and its vast extent, than from any force which the American people could immediately bring against our army. It is evident that at a distance of more than 3000 miles, and across the Atlantic Ocean, the power of this country could not bear with full force upon the population of America; and, besides, from the vast extent of the country, the people could always retire from our armies, and by that means they were enabled to protract the war until habits perfectly military were acquired.—The instance of America will not, however, at all apply to Europe; certainly not to this country, where the population is cooped up within narrow limits, where they have no countries to retreat to, and where, consequently, they would soon be obliged to come to close contest. But although we cannot calculate on making exactly the same use of our population that the Americans did, yet it becomes a question of the most serious importance, how we are to derive the greatest possible advantage from it; how we can best bring it to bear against an invading army? I am confident, that if ever the contest should be brought to an issue, the people of this country would prove that they would not fall a sacrifice without a struggle, to an invading enemy. But, the question is here, what can be got from the loose part of your population in aid of the regular military force? and care must be taken, that what is got in aid of the regular force should not tend to weaken it. With respect to this point, different persons have entertained different opinions at different times. My opinions are, with a few alterations arising from circumstances, that is, *mutatis mutandis*, the same as before, and those opinions will be so found in the early records which we have of our proceedings, and which in the present instance, are at least more accurate than usual. I am ready to allow that the

errors that have been fallen into, even in the first instance, might in some instances the necessary result of the case, and the difficulties that were involved. Nay, I am allowed, that those who now have to remodel our Military Estab-lishment have the advantage of their predecessors. On the other hand, I have to complain, that unfortunately we have not a clear, unincumbered ground before us, and which circumstances they have to encounter which their predecessors were obliged to surmount. At the commencement of the war, voluntary efforts from the press of the occasion. For myself, I think that everything that was the most obvious, should have been previously considered. It was most complex and intricate. At the time of the country then was, of the great preparations made by us to invade it, there was a united spirit to resist the threatened invasion, to frustrate the attempt of the enemy. The people were alarmed, but in no danger. As to their feelings, they were to be "*trepidi, non paridi*." Their general ardour and zeal, and a strong sense of serviceable, if only the means were pointed out to them. In such instances, when others were speaking of compulsory service, I expressed my opinion that when there was so much alacrity in the country, it was better first to try what could be done of carrying the compulsory element of the Levy en Masse act into such, that it appeared to me better first to try what voluntary service could be done. Although that suggestion did not come from me, it certainly was my contemplation that this voluntary force was to be employed in such a manner as has been in the Volunteer corps afterwards formed. I saw that of the people was then at such a time they appeared only to demand, of the house, "Tell me what to do to be useful to the country under these circumstances, it is my opinion, that the people should immediately been allowed an opportunity of training themselves, under the guidance of officers from the regular army for that purpose. I thought that there have been depôts of arms in

I might say, shops of military opened all over the country, assistance of the regular officers, that the zeal of the gentlemen might assist powerfully in people to arms, both by their e, and by giving small prizes marks. All this could have ith infinitely less trouble, and expence, than have been be Volunteer system. At the I thought it was proper, that be armed associations of the people, entirely at their own t it was not upon such armed that I conceived the country ally rely in aid of its stand- hat I considered as much more effectual, was the mass of the country trained to firing, with ring gentlemen, and military to combine them in whatever could prove most destructive.

Although I did not rely on for giving battle to an inva- et I thought they might be action in such a manner, as harass, and wear down an ependent of the mischief that ey would do in action, I re- h a force as this, as one that afford an inexhaustible fund m.—Such were my ideas at ement of the present war, of i which the zeal and spirit of ght have been rendered most defence of the country. As it, nothing could have been there would have been no oc- those distinctions and mili- s which formed so consider- the expence of the Volunteer t was afterwards established. ever, of the system which I country from one end to the thrown into Volunteer Corps. was not the fault of the peo- ne government. The desire was, "Tell us what we are to en nobody told them, it was l for the people, when left to o say, "Let us imitate the dress ourselves, and train hey do; let us learn the ma- practise." After the Volunteer formed, the great man (Mr. opinions were always to be deference, maintained, that ight, with care and instruc-

tion, be brought into the shape of a regu- lar army, and act as regular troops. Whe- ther the institution of the Volunteer corps had first taken place, and this opinion of their efficacy followed, or whether the in- stitution was framed on any pre-conceived opinion, that they would arrive at such a state of discipline, is a point which I shall not pretend to determine. It, however, al- ways appeared to me, that it was a most impracticable project to attempt to bring those masses of men, who had neither the habits nor the feelings of soldiers, who were not inured to hardship, or accustomed to military discipline and subordination, to act either with regulars or directly against a regular enemy. That right hon. gent. (Mr. Pitt), in speaking of what he expected from the Volunteer force, said, they would be able "to push the invaders into the sea." This was an expression which I am per- suaded proceeded more from his heart than his judgment, and might have proved fatal to the country. It was, however, a most dangerous error in judgment to suppose, that, because a body of men appeared well to the eye, or made a tolerable show upon a parade, that they were, on that account, to be relied on as effective soldiers; and I am much surprised indeed at the number of inspecting officers who have returned those corps as fit to act with regular troops. In my judgment, it would have been impossi- ble they could ever have acted with a regu- lar army, because, being officered in the manner they are, the regular army never could place that implicit confidence in them, which is absolutely necessary to make one species of troops act effectually with others of a different kind. The Volunteers might be well trained, they might be good sol- diers, they might positively know them- selves to be so, but then it was also neces- sary that the commanders of the regular army should be equally sensible of this also:

Scire tuum nihil est, nisi te scire hoc sciat alter.

If ever we attempted to do this, and put them to act with the regular army, I fear the fate of the country would be decided; for I cannot possibly couceive, that the enemy would desire any thing better than that the country should trust its defence to the Vo- lunteer corps. If the Volunteers were to be opposed to the attack of a regular inva- ding army, it is impossible not to suppose that many must fall, though many would do their duty. A man may be in himself

fully capable of doing what is right, but he may be infected with the bad example of those about him. As for courage, or confidence, it is well known, that in an army it is not sufficient to have confidence in oneself, it is also necessary to have confidence in one's neighbours. It is like the defence of a long line, which, if broken through in any point, the valour with which other points are defended will be of little consequence. If a regular regiment were to come into action, it cannot be supposed that their confidence would be the same if they were flanked by a corps of Volunteers, as it would be if they saw on their flank, the 14th, the 28th, the 17th, the 42d, or any of those brave and well tried regiments that have distinguished themselves in the service of their country. I do not, however, deny that essential services may be derived from the Volunteers, even under the present system. In the first place, they are enrolled, and I consider the very circumstance of enrolment as a great foundation of strength, because in that they have given a pledge to their country, and to each other, that they are to be found whenever their attendance shall be absolutely necessary. In the second place, they have been trained, and even in the manner they have been trained, many of them may, in time, be made extremely useful under the direction of an able general. They must, however, purge off a great deal of their grosser stuff, before they can well be brought into action. There are many individuals who entered into those corps from the best of motives, and from the most laudable intentions to serve their country, but whose age, whose constitutions, and whose habits of life, render them altogether unfit for the active duties of real service against an enemy. My general objections to the present mode of dividing the country into Volunteer corps, were, first, the immense expence of the system on its present foundation; and secondly, I conceived it intercepted and locked up in corps, which could not be brought against an enemy, men who by another distribution might be brought against them in the regular army. I therefore thought that the system was like throwing good money after bad, and that it never could succeed. I wished, however, that there should be many voluntary associations of the better sort of people, armed and disciplined at their own expence; but as to the great mass of the people, artisans and peasants, I did not wish that they should be locked

up in those corps, but we had them loose, so that attached to others of great value. The mass of the people, loosely trained, and only able soon to take their place in the ranks of the regular army of that description would be sufficient to make them a match for an enemy, as an armed force in the direction of intelligence either of those ways I think contribute much more to the security of the country, than placed in Volunteer corps. I view of the matter; but it has been followed, goes to increase exertions in Volunteer corps. The objection made, most probably the expence of such a system is heavy. Granting, for a moment, the truth of the objection, when compared to the preservation of the country, to talk of the expences of the military system compared with that of maintaining the Volunteer Establishment during the three years as the system has existed, it has cost no less than five millions of pounds to the Volunteer corps, that the Volunteers have to do, and the various subscriptions that have been made, amount to at least £1,000,000. I am stating it below, I say, that the security of the country has derived from the Volunteers in the last three years and a half, has cost at the enormous sum of ten millions sterling, but our more efficient deserters, many men who would have entered into them. The Volunteers then has been the whole of the Property Tax, as this expence is, has cost much security as could be had for the same money in a regular army would now be no occasion to change it. In considering the best way of deriving advantage of the population without citing the example of the peasantry, or the peasantry, I conceive that to be, whether it is better of the people should be

ould wish to see obliged to serve in addition of a common soldier in a regiment, but that the great body peasantry, that description of men whom the regular army ought to be, should not be shut up in those poor Corps. Could I realize my wish the great mass of the population of the country so far trained, as to be able, either act as an armed peasantry, or to remedy immediately whatever losses the regular army might receive in action, then, indeed I should consider the country as invulnerable. Should its armies receive a check, it would immediately repair the disaster, it could rise like Antæus, when flung to the earth, with redoubled vigour. The certainty of immediately repairing our losses, the invaders could not repair theirs, would inevitably turn the victory in our favour.

Suppose five regular regiments were 1000 men in a battle with the enemy, and that those regiments would be stronger if they were filled up with men such as I have described, than if a unit consisting of 1000 men were to depend on their support in their skeleton.

These are the ideas that govern me on which a wise and permanent system may be established gradually, for I am a friend to sudden change; the Volunteers may gradually be brought to the state described in 1798, in a letter of Lord Cornwallis to the lords lieutenants of counties, that state which would give us a country, men of a better condition, and contented at their own expence. In order to this purpose, there would be no room for any violent measures or severe discipline. I should propose a very different course from what has been hitherto pursued: instead of requiring a rigid discipline from the people, I should propose a system of training which will be very easy for them to acquire, and which will answer the purposes I have stated. Now, to bring things to this state, the first object

reduction of that force. I do not wish to do this suddenly, till some other force be provided in its stead; but, the reduction of the Volunteers is not like the reduction of a regular regiment. When you reduce a regular regiment, it is annihilated, when you reduce a Volunteer Corps, you have the men on the spot still, and ever valuable they may be, that value is not reduced. But at the same time, with regard to the public feeling, and to the circumstances, it may not be desirable to reduce these corps suddenly, but this, however, is not to prevent the reduction of great expence in maintaining them. If these expences were to continue, they would rise much higher than they have hitherto done, because the subscriptions are gone, and the corps must lean more and more on the government, as is generally the case when government enters into partnership with any private bodies or individuals. Government must at last pay at the whole expence, because their friends were not, perhaps, regarded by the Volunteers themselves as a permanent resource, and if the Volunteers were to continue as they are at present, the expence of the next 3 years and a half would be double what it was in the former period. Now, looking to this situation of the Volunteers, they should be liable to serve at their own expence, and that the rest of the population should be loosely trained, the lessening the expence may be the means of the reduction of the Volunteers, and put things on the footing on which I wish to see them placed. Why, then, this brings us to the question of training; and indeed such a system of volunteering I propose, and the training of the mass of the population, might have gone on by side; but since the present system has been established, the training cannot be voluntarily conducted, and the only alternative is to have recourse to compulsion. Therefore, that can be done in this case

to make the compulsion as light as possible. (A cry of hear! hear!) The gentlemen on the other side may cry hear! hear! but they may be assured that I do not like this one jot the better for coming from their shop. While they were on the treasury side of the house, they may remember how many compulsory acts they passed, how the whole smithy was at work, how they laboured about the armour of Mars like a set of Cyclops, more blind than their one-eyed brethren, till they locked the country in armour, so cumbersome and clumsy that it was unable to stir hand or foot—

“ For never did the Cyclops’ hammers fall,
“ On Mars’s armour, forg’d for proof eterne,
“ With greater force.”

I can assure the gentlemen, that my fetters shall not be like theirs. It is one of the advantages of my plan, that it can be easily got rid of. The compulsion that I propose, goes merely to the point of training, and that at their own homes, and only for the space of one year; and the discipline necessary to enforce this training, shall be made as mild and as voluntary as possible. It may be said, that I here follow the steps of the right hon. gent. over the way (Mr. Yorke), and that I tread on old foundations. The basis of the scheme which I am proposing is undoubtedly the same with that act which pretty nearly fits the present building; I mean the *Levy en Masse* act. I partly blamed that act and partly approved of it. That act says, that the people shall be compellable to train as an intermediate duty, and compellable to serve in case of invasion. I so far approve of it now, and I approved of it then. I concurred in the commutation for voluntary service, though that afterward took a wrong shape. My plan will give a preference to voluntary training, but with a power of resorting to compulsion if necessary. It will also go to assert the king's prerogative right to every man's service in case of invasion. It will exclude the exceptionable part of that act, the training of all classes together. This objection was one of my reasons for preferring voluntary service to the *Levy en Masse*, though that voluntary service soon after took a false shape. The first part of the reduction I shall propose in the Volunteer expences, will be a change of the June allowances to the August allowances; of a training of 85 days, to a training of 26 days. The total reduction that will be thus made, on the estimate of this year,

which is 1,479,000*l.* excluding, which is 347,000*l.*, &c. The allowance to the yeomanry will be considerably reduced, and of the officers' pay, in the August establishment, a reduction of the allowance to drill sergeants, the present is far beyond what is necessary to 54,700*l.* Under the new system of Militia Duty, a reduction of no less than 100,000*l.* may be made. It is the opinion of persons conversant with the subject, that the expense of field-officers may be spared, and that the same duty may be as well executed by lieutenants, or the civil officers. This will yield a saving of 100,000*l.* all which are to be added to the receivers general fund, and the saving of 198,000*l.* will be a reduction of 807,700*l.* which are of considerable service, and I propose without any hostilities to the Volunteers, but, to be a saving of expence, which will come enormous from the nature of the Volunteer system, and with a view to the improvement of the military state of the country. The Volunteer bodies will be improved, at least with regard to discipline, without any idea of what will be the continuance of the system, and a more desirable mode for the Government, for who may be unwilling to increase the mass, and this opportunity will be a sufficient reward. With regard to the Volunteers who may henceforth be formed, the Government will not allow any increase of expence. With regard to those now formed, but equitable they should be allowed the immediate operation of the Militia system, but I wish it to be known, though they may receive no bounty this year, government will provide it in the next. I shall exempt any man from the Militia training, but his becoming a Volunteer on his own expence, the advantage will be that he can train when he chooses, and fight if occasion should arise, the corps to which he shall be attached, of being liable to fall in the ranks. With respect to the Militia, if compulsion should be necessary to carry the training into effect, it may be made of that portion of the Militia trained in every year, for

Ballot, seems to me to be the most efficient. I would have the people divided into three classes, between the age of 16 and 40. The first class to comprehend all from 16 to 24; the second from 24 to 32; and the third all from 32 to 40. I should propose that a discretionary power should be vested in the government to call out such classes as from the emergency of the case might to the government appear proper, and in such parts of the kingdom, as it should find necessary, owing to the imminence of the danger. I should think ought to be annual, whatever errors should be found in it, might be speedily remedied. As a mitigation of the compulsion, I still follow the steps of the right government, and if any should voluntarily offer themselves to be trained, the operation of the ballot should be so far diminished.

The number of days for training should be limited to 26, with an allowance of more than a shilling each time, as a compensation for their half-day's work. Military trainings are to be accepted at the discretion of the officers, and to go in lieu of the ballot. I do not mean to propose that there should be any particular dress, or that the men should be armed; but it will be left to the power of the government to collect them together in their own or place, in 14 days, for the purpose of more speedy training, and those who absent themselves from training on any other ground, than that of their belonging to the Militia Corps, to pay a small fine. The training I wish to be performed by detachments of militia, and of the regulars now usually connected with the counties. As they will gain a real connection, it will enable them to recruit much more than by means of parish officers. They will exert themselves in the training, in the hope of afterwards getting the men of their own regiments. I shall also beg to propose, by way of mitigation of the compulsion of training, that if a sufficient number

who have been appointed to these battalions with such inconvenience to the service, cannot be sent adrift without ship. The officers of these skeleton battalions will now be turned into pasture and have an opportunity of getting some flesh on their bones. The bill I have proposed to create the 57 battalions has not had the effect of raising them, but that has been done by the Additional Militia bill has been, at the very utmost, to supply about 9000 men to the line. That which can be expected from it, if it were to continue in full vigour, is a supply of men every year, and that in a very easy way.—With regard to the Militia, though its original constitution it cannot be raised under the head of the regular army, yet it is now carried to such perfection that it may be considered as our army for home defence, and as fully adequate to that object.

The Militia may now be considered as part of the regular army, and for home service is certainly equal to any part of our force, with the single exception, that it never has been in actual service, and if it should have to meet the enemy's attack on British ground, in a battle in which it would have to fight for the existence of the country would be the first it would have seen. With respect to the Militia, I shall not therefore meddle with it any farther than to continue the suspension already existing, and instead of raising men by ballot, to raise them by the means of recruiting at a limited bounty. Whether at a future period it may not be politic to diminish this department of the military establishment, will be a fit subject for subsequent consideration; but I would certainly recommend recruiting for this service on the scheme projected in Ireland, and at a limited bounty. A measure has been suggested, which has at last been settled, at least by a sort of common consent, that the Irish militia should be permitted to enlist in the line; this I am disposed to promote, by some regular and permanent arrangement, if, in conjunction with

Irish government, the plan should be approved of.—I must again shortly revert to the Volunteers; for in the great variety of matter to which my attention has been necessarily directed, I have found it difficult to assign to every observation its exact place. With regard to the Volunteers, the allowance for clothing may continue for one year more; but I wish it to be clearly understood that there is no engagement whatever on the part of government, that this is to continue for the next year. There is one other topic which I had almost forgot, and that is the rank granted to the Volunteer officers. There never was such monstrous injustice done to any body of men, as has been done to the regular army in granting rank to the Volunteer officers. If the officers of the line are not to have command in their own peculiar province, in God's name where are they? To what new state of humiliation are they to be next exposed? What should we think of such a proceeding in other cases? What would the learned gent. over the way (Mr. Perceval) say to one who should take precedence of him at the bar, merely because he had a larger fortune, and, perhaps, when he had no fortune at all? If we do not give officers these distinctions, what are we to give them? Their pay is certainly not profuse, nor have they much in their profession to recommend it, except the honours attached to it. There never was such an outrage as that offered to the regular officers. What would the hon. officer opposite (general Tarleton) think, if a man in a red coat were, addressing him, to say, he was the son of a nobleman having rank in a Volunteer corps, and therefore expected he (the general) should bow to his opinion on military affairs? Is a young lieutenant, whose parents may happen to possess abundance of wealth, to be permitted to say to his superior officers, "I will buy you all out, and take the command of the regiment?" Is the sensibility of the regular army to be so severely wounded? and what, I ask, is the advantage to be gained by this violation of individual honour? Is a gentleman, who has distinguished himself in the most dangerous services, to be placed under the controul of a man utterly ignorant of the duties of the profession of arms, and who has experienced none of the perils and suffering to which that honourable occupation is exposed? In future I would recommend that no Volunteer should hold a higher rank than that of captain; that is, that no officer of the line of a higher rank

than that of captain, nor manding a corps, shall be an officer of Volunteers. the principles from the I look for a permanent to the regular army hand, our population to harass the enemy & nearly every individual be prepared to fill the who shall fall, at least trained as to make a soldier time. This measure, wanting to recommend do what was recommended statesman we have lost. obtain that point most desire—to get our whole army into that trained state, would be capable of being soldier in a very short time trouble. The measure one general training. It little trouble, and without from their homes. It will without much expence for voluntary service in but an annual measure, opportunity of revision as recur as often as possible will have no place in it should become indispensable operation of the measure to it for immediate effect seed will be some time in it shews a blade. I pronounce I do not profess to be able the evil. When things begin wrong, it is unfair that shall without delay The number to be raised en Masse will, I should 200,000 men; with regard I do not conceive that action ought, under the circumstances, to be expected, but language of 'Change, but trust the measure will present exorbitant bounty to state that the measure one of more confidence hope it will wear well only to return my thanks for the indulgence afforded long time I have trespass, and shall conclude leave to bring in a bill passed in the 44th of the Additional Force being put,

Lord Castlereagh rose and spoke as follows:—Sir; however widely I may differ in opinion from the right hon. gentleman, in most of the positions and conclusions which he has laid down, it is not my intention to resist the introduction of any of those bills of which he has given notice, and which are calculated to develope the system which he has this night opened to the house; neither is it my intention at present to follow him through the details of his long and elaborate statement. Future opportunities will be afforded, better adapted for such discussions. It is impossible, however, upon a subject of such importance, more especially after the manner in which it has been treated by the right hon. gentleman, to suffer the present question to be put, without troubling the house with some general observations on the outline of the proposed alterations in the military system of the country.—The declaration with which the right hon. gent. commenced his speech, viz. that the state in which he found the military establishment, on coming into office, was such as to leave him no other alternative but to occupy himself with its immediate revision, has left me no other choice but to intrude myself on the attention of the house; and as an aggravation of this provocation, he has chosen to attribute the surprise expressed by several of my hon. friends near me, as well as myself, on more than one occasion, at the yet unexplained and unintelligible delay which has occurred in the production of his scheme, to a consciousness on our part that the military defence of the country was left by the late government in a state so defective, as to demand, not only a systematic but an immediate reform. So thoroughly convinced am I that the assumption on which the right hon. gent. proceeds is wholly destitute of foundation, that I must beg leave briefly to state to the house what the actual state of the military establishments was when they passed into the hands of the new government. Having preceded the right hon. gent. in the situation he now fills, and having under the superintendence and guidance of my late right hon. friend latterly administered the war department of the government, I feel it due not only to myself but to the house, to bring before them such a statement of the actual situation in which we left the public force, as may enable them to judge as well of the truth of the charge which the right hon.

gent. has ventured to make, as of the necessity or expediency of the change which he has thought fit to propose. I am additionally impelled to do so from the anxious desire I must feel to discharge what appears to me a duty to my late right hon. friend. To no subject had his attention and exertions been more anxiously directed during the latter years of his public life than to the formation of an improved military system, adapted to the exigencies of the times in which we live. It is impossible I should not feel an attempt to depreciate and unjustly to degrade every thing he had done with this view, as a heavy insult against his government, and a more injurious reflection upon his memory. In this, as in every leading feature of his political life, his fame will, I am sure, be forever inseparably interwoven with the best interests of his country; it will be impossible for the right hon. gent. to wound the former without exposing the latter; and I am convinced, more especially on a subject which for such a space of time continued to occupy the undivided attention of an unerring mind, that I shall also best discharge my public duty by yielding to the desire I personally feel to have his exertions in the public service fairly understood, and appreciated by the house. In discussing this question, there are several general principles upon which it will be impossible, I apprehend, even for the right hon. gent. and myself to differ. It can but be considered as a serious misfortune for any country to find itself compelled to undertake a fundamental revision of any of its leading establishments. If this remark is generally true, it is not less true with respect to its military establishment, and at no time so peculiarly true as in the midst of war, and possibly at the eve of a contest to be maintained on our country ground with a formidable enemy for the existence of the country. The house may feel that in no slight case ought parliament to be called on at such a moment to bring into doubt and question every part of the military system, to paralyze the exertions of some of the main branches of our public force, as well as the measures already approved and adopted by parliament for the increase of the army. During the protracted period which such a discussion must necessarily occupy, and the doubt it must occasion, can the house, or the right hon. gent. expect that the same energy and spirit will pervade the pub-

force? The army impatiently waiting to know the extent of the indulgences which are hereafter to attach to the profession of a soldier (an expectation hazardous to excite, in proportion as it is difficult to satisfy); the militia, to know the extent of the right hon. gent.'s designs for reducing a force, he has hitherto rather tolerated than approved; the volunteers, whether they are to be doomed to a lingering or an immediate dissolution? In the midst of such a complicated and extensive enquiry, can the right hon. gent. or his majesty's other ministers, be equally qualified to discharge their many other pressing duties? Occupied as his mind has been for the two last months in projects of reform, the right hon. gent. may possibly have forgot that he had any other enemy to contend with than the opposers of his military schemes, or that he had any army within his grasp, which could be turned to the annoyance of our real enemy. I press these considerations to shew that parliament, before it enters upon a task in many respects both difficult and perilous, should require those who propose it to make out to their satisfaction a case, if not of inevitable necessity, at least of strong and evident expediency, before they call for their interposition to the extent claimed. The right hon. gent. in opening the question to the house, has been wholly silent on the present actual amount and composition of the army. He has been as little explicit in stating to the house the points in which he considered it to be inadequate, and the extent to which he proposes to carry it. He has, however, generally laid down the expediency of endeavouring to obtain some considerable increase of that force: in this principle I cordially agree with him. The right hon. gent. has not denied that the quality of the regular army, so far as it goes, is unexceptionable on this highly-gratifying consideration; it is certainly only to discharge a debt of justice to the illustrious personage who now presides, so much to his own honour, over that army, to bear testimony to the zeal and indefatigable exertions with which he has, for a series of years past, followed up its improvement. At no period of our history has the science, uniformity, and discipline of the army, been comparable to what it now is; and I am sure I speak the sentiments of the profession at large when I assert, that to the present commander-in-chief the British army is indebted for more

solid improvement than say to all those who have that distinguished trust. the present state of the numbers, and that the estimate the merits of the operation of which it has its present standard, I am comparing the amount and composition of the army as it stood on the being the half-yearly period on the table, which immediately on Mr. Pitt's last return to that of the army as it selected those periods, not to degree the meritorious who preceded him in measures for the increase of the army I shall always cordially vigorous and producing the best criterion of that system, which it will explode and abrogate, if of. Including militia gross strength of the army abroad stood as follows and file:

1st Jan. 1804,	-
1st March 1806,	-

In

The regular army, including distinguished from the regular army:

1st Jan. 1804,	-
1st March 1806,	-

In

The regular army disposable for service:

1st Jan. 1804,	-
1st March 1806,	-

In

This statement, I trust the satisfaction of the house has received during the increase in gross strength they will likewise observe the relative strength of the militia have been advanced, and in the disposable branch of the army has been still more not less than 49,843 men of one-half. Whilst the right hon. gent. in demonstration of our force in the present circumstances of comparing the present army which it formerly stood at it is impossible for the

ate either the high condition of our establishment, or the system by which it has been so rapidly augmented proved.

Jan. 1862,	-	-	-	242,440
March 1866,	-	-	-	267,534

Army more than at any }
 or period, } 25,114

ing the actual strength and composition of the army, the next point to be considered is the annual waste to which it may be deemed subject, and the probable supply of recruits which may be relied on for filling up the casualties and carrying the army forward to a higher standard. Excluding the loss from our consideration in this view of the subject, and confining it to the regular army alone, by the returns before me, it appears, that independent of the considerable loss of men sustained in the annual average of deaths, wounds, and discharges, for the last six years may be stated at about 15,000 men, on the present numbers; upon a like average, the ordinary recruiting in Europe, the regular army, exclusive of any extraordinary measures of supply, such as the reserve and additional force acts, has never sufficed to cover the actual loss of the army, independent of the annual loss which may be expected, in any active operations on an extended scale to be undertaken. We must therefore permit to have our army remain stationary, if not fall back in point of numbers, we avail ourselves of some extraordinary means of procuring a supply of men above what ordinary recruiting has been found to furnish, which has been the case for several years past to produce an increase from 11 to 14 thousand men, exclusive of foreign recruiting, little affected by the operation of the measures of competition and high pay, however much its success, according to all just reasoning, ought to be influenced by these causes.—I state the resources on which his late ministers relied for an augmentation of the army, it may be right to say, that it was not intended, at least at the present, to propose to parliament to increase the army on a higher establishment of numbers than it was taken at the last year, but it was their sanguine expectation, that in the course of the next year they would be able to add not less than 10,000 men to its effective strength,

by which the present deficiencies of 43,000 men would be reduced more nearly to the amount, which must always be expected to exist, for obvious reasons, in the establishments of all armies.—Their chief reliance for effecting this important object was on the additional force act, under an improved management; which bill it is now intended to repeal without substituting any visible measure whatever of supply in its place. An augmentation of about 8,000 men to the Irish militia was some time since ordered, and is in progress of levies coupled with an arrangement to be submitted to parliament, by which we have every prospect of procuring for the line supply annually of about 4,000 men, to be replaced on their volunteering from the militia regiments at the public expense. I am rejoiced that it is the intention of the right hon. gent., however little I could have expected it from his past sentiment upon rendering the militia auxiliary to the augmentation of the regular army, not to throw out of his hands this valuable, though in comparison with our wants, very limited resource. But the main expectation of the late government for augmenting the army, rested on the bill in question, which gentlemen on the other side, from its augmented produce, will find it difficult any longer to denominate inefficient. It will be for the house seriously to weigh hereafter, when the information is printed and laid before them, what the value of this measure really is, in prospect as a supply to the army, if steadily fostered and supported, and I trust they will coolly compare even its present very imperfect produce with any thing that can be hoped for from the merely speculative substitute on which the right hon. gentleman builds for replacing it, viz. his proposition for altering the term of the soldier's service, accompanied with measures for the improvement of his condition. The bill in question has hitherto been tried under every possible disadvantage. The house will shortly have before them a most valuable body of information on this subject, in the reports from the several inspecting field-officers who have completed their progress through the several counties. I shall only at present request the pointed attention of the house to these reports formed upon a personal communication with all the parish-officers of the kingdom, and stating upon their authorities the causes which have hitherto impeded the

execution of the act, the impediments that yet stand in the way of its execution, and the hopes that may fairly be entertained, with due pains, that the measure may be rendered adequate to all its objects. I shall only now generally state, that previous to the adoption of this inspection through a great proportion of the kingdom, the parish-officers were supine, and wholly ignorant of their duty, or of the provisions of the act; in many places they had imagined government would be better pleased to receive fines than men; they had understood the men were to be raised at the expence of the parishes, and not of the treasury; and that upon the whole it was better to pay the penalty of twenty pounds at once, and be released from all further claims, than to pay a bounty of twelve guineas for a recruit, and to remain answerable for replacing him in case he deserted. The house will be informed of the disposition generally shewn by the parish-officers to profit by the information thus given them, and they will observe from the time this inspection took place, to the present time, being a period of not more than ten weeks, that the bill has produced above 300 men a week, although the prospect of its repeal has been counteracting its operation during the whole of that period.—I only wish the house to consider, if, under so defective a management, this bill has already furnished the army with about 13,000 men, and is now steadily producing at the rate of above 16,000 men a year, what might not be hoped for from it, when, instead of being hardly yet put into force in one half of the counties in the kingdom, it shall be gradually brought into general operation? I must also request, that as a measure of pressure in point of charge on the country, the house will only compare its effects with either the militia or the army of reserve, and advert particularly to the fact, that differing from all other measures for obtaining men, by due exertion, the districts may discharge themselves, by finding the men, free from all expence whatever.—On the increased and increasing produce of this bill, with some slight alterations, which experience had suggested for its improvement, we confidently relied for the increase of the regular army, and the extension of the disposable branch of it; these alterations were few and simple, principally the opening to the parishes a larger district for the levy of their men, accompanied by a regular parish officer should be recruited chose at once to bounty, and engage for limited service, to engage being themselves of course increased reward to men for general service. This, coupled with some bounty on the transfer of limited service, diminished temptation to persons to enter for general service immediately through the limited service, allowing the parishes the option of one to produce their own men, and the penalties attached, it was intended to facilitate the parishes in their recruiting of the army, without encroaching on the bounty for general service, to enter into the limited service could be induced by the bounty once to engage for general service, and some other alterations to improve the operation of the bill. I was sure, it was the intention of the hon. friend to rest satisfied with the bill as he lived to conduct it till a peace, it certainly was a temptation then to revise it, and to make it one of its main objects, serving at all times the army for limited service time of peace, though to afford an immediate resource at the very outset of any war, he considered as the bill could justify any fund system, which had proved inadequate, and there was seriously deprecated the bill or further experiment on the opposite principle terminated to leave nothing in form, shape, or extent the service is to undergo but be subjected to change. The bill of men rapidly wanted of our present force; to is already occasioned inevitable casualties liable to be suffered, should the troops in the field, he has thought progressive defalcation occasioned by suffering the army down to the very low estimate thousand men, being,

and upon this ground alone, the of which I shall hereafter examine, upon parliament, in the midst of give up a present annual supply of thousand men, capable of considerable extension, and to concur with him in innovations the most serious in institution of the army.—To the principle of improving the condition of the soldier, distinct from the proposed change in terms of his enlistment, if applied with care, I am far from having any objection. So far as we can, within the limits of national economy, ameliorate the condition of the soldier, and more particularly ban, without immediate prejudice to discipline, hold out to him rewards to him in proportion as his length of faithful service may add to his claim upon the bounty of the country; I am of opinion the scheme is wise in itself, and may be productive of some good, though I cannot say the right hon. gent. is disposed to expect much more from its immediate effect, in inducing men to enter into the army, either the value of the temptation, or the noteworthiness of its operation, will in any way warrant. Whatever may be, however, its effects, it is unobjectionable in principle, but I must beg the house to recollect that it is quite as applicable to an army enlisted as ours now is, as if the proposed change had been effected, and that no degree requisite to alter the terms of service of the soldier in order to give sanction to this part of the plan; on the contrary, I conceive it might be added to have some effect as a further temptation to men to enter into the army.—The alteration of the term of the soldier's enlistment is a very different question, and perhaps at the most serious and delicate in its nature, which parliament has ever been called upon to discuss; it is impossible not to see that it is the more critical, as it is one of those great changes of system, which once effected, especially on the principles contended

the effects to be expected from it, before they commit themselves to so serious a measure, and, in my judgment, so fatal an innovation in the constitution of the British army as I own, much as I look with apprehension at the introduction of this vital change into the service, my objections are infinitely increased if the right hon. gent. should insist in excluding the existing army from its application, whatever may be the precise terms of their present contract, when a great change is to be wrought in the condition of a soldier, as it is described, though I think untruly, as redeeming him from a sort of bondage. Every wise principle of liberality and policy requires, that the principle should be applied, under proper qualifications, to those who have the additional claim upon our favour, of not having been held back by any consideration of a personal nature from engaging in the service of the country.—Can the right hon. gent. mean to act towards the British army on principles of less liberality than the Austrian government did in the year 1802, on a similar occasion, towards the Austrian army? It surely cannot be wise to suffer distinctions to remain, capable of being represented as invidious, and which might have a tendency to introduce discontent and dissatisfaction into an army less subordinate and obedient than ours is. It is said, different corps in the army have at all times served on different conditions and terms of service. True it is that different regiments have; but I believe the men within the same regiment never have, without the most serious inconvenience. But this cannot be looked on as any ordinary change, or made on any ordinary considerations. It is intended as a great moral change in the soldier's situation, and to be held out to the country as such. Surely then, if it is fit to be acted upon at all, it ought to be made at least progressively to attach to all those who are not in the service.—Before I proceed to state my reasons for being of opinion that

the proposed change, so far from furnishing an adequate, or even an increased, supply of men to meet our numerous wants, will only add an additional impediment to our getting men. I wish to enter my protest against the accuracy of that description of the soldier's present condition which states it to be an engagement for life. It is true his discharge is not demandable of right, and his engagement is to serve his king as long as his majesty may deem his services necessary for the public safety. But, on the other hand, every man entering into the army knows, that this engagement is so qualified by the practice and nature of the service, as to render it at least highly probable, that he may obtain his discharge, if he wishes it, at a much earlier period than the close of life—he knows that after 20 or 25 years service, a discharge, entitling him to a pension, is in practice never refused—he knows that in a peace a considerable reduction in the army must take place, and that he has a fair chance, if he desires it, of being indulged with his discharge—he knows, in time of peace, when recruits are easily obtained at a bounty of three guineas, either by procuring a man to serve in his room, or even as an indulgence, that his discharge may be without difficulty obtained. It is therefore at least an exaggeration to speak of it as binding a man of necessity without mitigation for the entire of his life. But here it may be material to mark the change which may be produced in the essential character of the soldier if this plan be adopted, by habituating his mind to dwell constantly on a separation, at the end of a given period, from his profession, and a return to his family, or on a new bargain then to be made. At present nothing can be more perfect than the character of our regular soldier—he is brave, contented, and enterprising; why should we be ingenious in discovering grievances, which he does not complain of? But to consider what the effect of this regulation may be in filling the ranks of the army, it appears most extraordinary to me how it should have occurred to the right hon. gent. as likely to operate successfully. For the last three years our endeavours have been directed, whilst a superior encouragement was held out to persons entering for general service, to obtain the utmost number of men possible for limited service in the regular army; this was first attempted in the army of reserve under all the impulse of ballot and high bounties, and latterly under the force act. If then we are to maintain an adequate supply for a service limited both in time and in the number of men, how can we expect by these limitations, and our policy for general service, to obtain a greater or supply of men?—If the policy of our army was, that we had a force liable to be disbanded at any time, could we then perfectly understand even at some loss of men the entire of our exertion to obtain that description of force which we have 165,000 men capable of foreign service, and sending them is only limited by the necessity of not weakening our home, why should we expect that description of force to be easily obtained; which, I think, is equal to any army, which has a high proportion of its officers, and which will at once be able to perform all the most arduous operations a corps of the army?—It appears almost a matter of demonstration, that so far as the regulation of the army is concerned, the effect of the former arrangement before stated to be as applied to the army in its present state) that it tended, must have a tendency rather than increase, our army generally. I wish to state the effect the alterations of the service must have, either in the number of men, when it comes fairly in the large annual waste on the army, to what now occurs, or to other periods, a still more alarming result. The right hon. gent. has endeavoured to counter the former difficulty of the soldier to claim his discharge at the end of the war, that is, within six years of the expiration of any period, by making him, as the militia are now, liable to the end of the war. He endeavours to avoid, perhaps, the serious danger to which the army would find itself exposed at the end of the war, by being left as completely without a force as it usually is without a force, as this important distinction is not a sure of obtaining a new force in a short space of time, it is not a sure of obtaining a regular

ion cannot be regularly and immediately carried into execution during hostilities.—What the inconvenience of the system being entitled to their discharge at the end of each period during a war, is to prove upon experience, may best be ascertained by recollecting how embarrassed this system was, some years back, to be in the militia, notwithstanding the comparative facility of dismissing and replacing the men, when serving at home. This led to the adoption both of an extension of the period of service and of the continuance of the enlistment during the war; the perpetual fluctuation of the ranks was thus avoided, but the consequence was, upon a peace, notwithstanding the efforts made, that a proposition to re-enlist for a further term shall be made to each man previous to his being disembodied has been found to be, that but a small proportion of the men re-engage, and that the ranks are principally composed, when the army is disbanded, of untrained recruits.—The proportion of the men re-enlisting in the militia, I apprehend, on an average, is reckoning from a sixth to an eighth of the whole, leads to another very serious consideration on this question. It is probable that men, when stationed abroad, being at a distance removed from their homes, and from domestic impressions, may recruit in greater numbers; but presuming that this option will not in any case be put to the men, which I think it cannot possibly be consistent with the professed principle of the plan, till towards the close of the war, I see no reason to suppose that soldiers belonging to the regular army stationed at home, will not be nearly as ready to take their discharges rather than to be substitutes in the militia as to be, who at present compose the ranks of that force. If then to the casualties of the army this heavy drain be added, and if we also consider that we want at this moment not less

than a great European military power, the general plan of military service in Prussia does not countenance it—that of France affords us little sanction—it is true Austria after the treaty of Campo Formi, passed an ordinance that such a system should be the effect from a period then some years remote. It certainly was not in force in the Austrian army in its best days, nor do I believe it has as yet been acted upon; we certainly know that no such regulation at present prevails in the French army. The only precedent at all in point that I have heard of, is that of Old France during the monarchy. The French army, I understand, was then kept up by voluntary enlistment, and the soldiers were enlisted for a term of years, more extended, however, than that now proposed. But I beg to protest against France, even at the present time, being considered as in any degree a parallel case. Her population, in proportion to those serving in her army and navy, was nearly double what ours is. Her people were poor, little industrious, and prone to a military life. She had comparatively few colonies to protect, and a considerable colonial army in existence, to which the regulation in question did not apply. Her army in peace and in war was nearly equal in numbers to ours is; in short, she had none of the difficulties to contend with in raising and supplying her army which we have, and in that, as in all despotic governments, the experiment might more easily be made, as the sovereign had always the power of military conscription, either actually in operation to fill up the deficiencies in the public force, or the right to recur to it if necessary.—So far as a precedent for it has been attempted to be found in any part of the practice of this country, the reference has rather been unfortunate if it was meant to prove thereby that the ranks of the army would be immediately filled by the adopting of such inducements. It certainly is true, that the East-India company were, for a number of years,

the habit of levying men to serve in their European regiments abroad for the term of seven years; but it is not less true, although service in the East Indies is generally popular, that as an inducement it did not in this instance operate to fill their battalions; on the contrary, they were always peculiarly weak in numbers, and inefficient, and were nearly all reduced, expressly on this account, during lord Cornwallis's first government in India.—The advantages which the right hon. gent. wishes to derive from it as counteracting desertion, seem to me also very much exaggerated, if not wholly unfounded: In part of his argument, though with a different view, he adverted to the great number of desertions which had taken place in the men raised under the Additional Force act; yet these are men raised for limited service. If the returns are examined, above one-fourth of the whole desertions of the army will be found to have taken place from amongst the men raised for limited service, although the total numbers of that description of force do not compose above one-eighth of the whole regular army. I do not quote this fact with a view of maintaining that the men being engaged for a term of years disposes them the more to desert; all I contend is, that it does not materially prevent them; and I believe it will be found that desertion is always most frequent amongst new levies, whatever may be their engagement: and in this respect the right hon. gent.'s system will rather tend to multiply desertions, by materially increasing in the army the number of recruits in proportion to the old seasoned soldiers, who seldom are found to desert.—Upon the whole of this part of the plan, I see nothing but hazard and inconvenience. The right hon. gent. may perhaps comfort himself with the reflection that the evils predicted cannot be felt in his day, and he may leave the future war-minister, seven years hence, to provide as he can against the effects of this fatal redemption of his own pledges; but in the view of parliament this will afford but poor consolation, if the principles of weakness and decay are thereby to be deeply implanted in the constitution of the army. I am sure it cannot fail to weigh on the judgment of the house, that all the first impressions of my late right hon. friend (Mr. Pitt) were strongly in favour of the enlistment for a term of years, yet he never felt himself justified in acting upon them, if his sentiments to this effect were, it will be recollected, distinct in his mind. I am sure he did not feel himself posing the measure for certain have the means of matured persuasion was our regular army present, to those who vice, a facility of entering the more general change give us many additional execution of the measure with considerable compliance, and that his final decision not to propose to pass in our military system.—before I close, on the proposed conscription, Masse act. I much lament that the right hon. gent. has not been explicit on this part of the plan. I am not disposed to object to the retrenchment which is the volunteer expenditure, nor why the corps first raised to parade 80 days in the year, ready attained considerable discipline, may not be the general level of other corps of their days of exercise. I object, as far as the plan is given by his majesty to the effect that the defence act will force so long as their force was kept complete, to a portion of class-men so and ready to join the regular army in case of invasion; this species of array as the volunteers or the regular army, though they might prove a protracted campaign in a valuable source of supply they cannot enable us to permanent employment soldier. The fate of the regular army in invasion, must be decided by scattered fragments cannot be incorporated with the regular army, our defence must be kept dependent of this regular

ain of is, that the right hon. gent. adopted towards the volunteers a manly line of conduct, and one more ant to what their past merits entitle o claim at his hands. I cannot but er, from every thing that has been and the right hon. gent.'s known clared sentiments on the volunteer tion itself, that his decided purpose ectly and gradually to get rid of he has told us he means to deprive of all the principal means by which ne and regularity are now preserved at that body; that he means to loo- d relax their discipline, not to pre- or improve it. Can it be supposed, ected, that the volunteers, whatever their zeal, if they are to be stript y thing which is calculated to mark erest which the legislature takes in nservation and improvement, will continue to exist as it were merely by ce, in a state of neglect and decay, can neither be productive of this ho- themselves or service to their coun- which they have hitherto been in the of contemplating as the gratifying of their exertions and sacrifices.— verbering the bitter and deliberate ves repeatedly uttered by the right nt, against the volunteer system, not nted against their military constitu- an their general tendency to render ing internal less secure, I did hope, it rumoured that the institution was ivate his return to office, that I should ad to congratulate the hon. gent. fairly making a sacrifice of his past to those of his colleagues in the go- nt. But it appears to me that he is ling on a less open, but not on a less l course, to execute his former pur- I do trust, however, the house ect this most equivocal and unbeco- ne of policy towards a body of men ze such claims on the public grati- nd that they will either support the ers in an efficient and honourable or if they think they can replace y any other description of force ely, in proportion to the charge, to the country, that they will, in a di- l manly manner, return them their for their past services, and at once hem from their engagements. From the leading features of the right hon. schemes, for the reasons stated, I hesitation in expressing my most dissent. I consider some of them VI.

as feeble and inefficient, and others s ly to prove injurious, if not fatal, best interests of the army. Were h even preferable in some respects to now exists, I should deem it both and unsafe to select the present in for introducing so extensive a chang where the innovations appear pregnat danger in themselves, and in their hardly reparable if once made; whe whole proceeds upon a scheme of de ing what is now efficient, upon grounds of objection, without any att at substitution in its room, I cannot tate in deeming it my duty to resist, as depends on me, so dangerous a tempt; and here I cannot hesitate t press my confident persuasion, ha majesty's late ministers remained in p that they would have been at present pted in directing the powerful army, the country actually possesses, again enemy's most vulnerable points, inste wasting their own time, and that o house, in unnecessary and hazardou periments on the constitution of the p force.—I shall close what I have f my duty to offer to the consideration o house in the present important que by shortly referring to what fell fro on a former night's debate, with respe the state and condition in which the vernment, in all its leading branches passed into the hands of his majesty's sent servants. The indignant man- which the right hon. gent., at the out his speech, supported by his collea, seemed to refer to what then passed, r me the more desirous of repeating it, a inapplicable to the present discuss certainly was not then, nor am I disposed either to undervalue or to guise the many and serious diffic the government have to struggle ag or, more especially in their externa- tious, reduced as the greater part the continent now is, under the a lute power of France; and no one can more desirous than myself, of strengt ing their hands to the utmost, that may be enabled the better to bear against these difficulties; but I must tend that, with respect to all the main leading features which constitute inte strength, and afford the best means of cessfully prosecuting the war to an hon- able conclusion, no administration o found themselves, on their coming office, in a more commanding situat

The noble lord (lord H. Petty) has found a revenue highly and progressively productive. Public credit, such as to enable him to borrow for the service of the year on terms highly advantageous to the public; and the general prosperity of the country, such as to admit of his adopting the manly resolution of raising a large additional proportion of the supplies within the year. The noble lord (lord Howick) has found a navy, on the numbers and efficiency of which it is as little necessary for me to comment, as upon their late unrivalled achievements. The right hon. gent. (Mr. Windham) has found an army exceeding by 25,000 men the greatest army the country ever before possessed, and of a description which qualifies them to fulfil every wish their sovereign can form with respect to their exertions, if their character and constitution is not broken down by inconsiderate and speculative innovations. I again repeat, that the government has great difficulties to surmount, but they arise from causes which my late right hon. friend, and those who acted with him, had neither the power nor the means to regulate or controul. Whatever was immediately under his own guidance has been successfully conducted; and I do not hesitate to assert that on all the essential points above alluded to, viz. the finances, the navy, and the army, compared with the difficulties and embarrassments under which they are disposed to represent themselves as taking the government, the present administration may be considered as on a Bed of Roses. I trust the house will pointedly discourage any attempt to tamper with our establishments at such a crisis, which require nothing but time and perseverance to render them equal to any purpose we can have in view. No case calling for any fundamental change has yet been made out, and until such necessity shall be made more evident, every consideration forbids the entering upon so hazardous an experiment.

Mr. Secretary Fox spoke in substance as follows:—I rise, sir, to make a few observations on what has fallen from the noble lord, and which appears to me so extraordinary that I could not have imagined that any human nerves were sufficient to enable any one gravely to make such assertions as he has hazarded. He has told us that the country is now placed in such a state of proud splendour and universal prosperity, as never had been handed over by any ministry to their successors.

Gracious God! and in prosperity, of which he Undoubtedly the navy, bralleled gallantry, and th success, even beyond he is in a state in which the hon. friend near me (M paratively easy. But m tioned whether all the m last board? nay, whet rence to the future supply of the navy, every thing i rious as the noble lord as splendid victories achie credit to be concentrate months? Is none due Admiralty, at which lord sided; none due to those appointed those officers? indeed, defended lord; but it cannot be denied friends entertained ag officer as strong prejudic in the minds of men. B ing the navy, I do not k a single point on which the noble lord's represen of the country. Is it in we are to seek for the the last administration burthens on the public, the laying on of those ne my noble friend near me to propose? It is true we of revenue; but is it very we have an expenditure lions? Is there no relat objects? Or is it a pi that our taxes are enorm are borne with cheerfulness may be necessary? Doe appeal to Ireland as that which there is every rea Is India in the best pos prosperous and tranquil the "Bed of Roses" to w ceeded? Really it is ins I am on a bed of roses, torn and stung by bram whichever way I turn, regards this country itself, of prosperity. But sur consider the difficulties countries, as making par The noble lord must adm phrase of one of his Continent is not in a very The noble lord, howev having succeeded to such

on our part; whether the exertions and the concert effected were such as to attend a fair chance of success; I do not at present discuss; but surely the objects of that campaign were such, as by no means to facilitate our efforts, and lighten our task. Unless, like the Parish bill, the effects of the late campaign are not apparent for a long time, I must conclude that I see nothing in it that is not disastrous to the country, and embarrassing to the Government. Nay, I would ask the noble lord, whether the communication of the bill by himself and his colleagues has added to our difficulties? If he doubts, let him come to my office, and I will show him documents from different ministers, which will prove how much that has been attributed to our embarrassments. But the noble lord does not think proper to come to our offices; and here I cannot help saying, that his declining to come, is in some respects criminal. He talked as if it had been the intention of the late ministers to make an attack on some of the enervating points. In taking credit for the success of such a project, I must conclude the noble lord seemed to boast rather of what might have been the result.

But he spoke as if something particular had been in view. If there was, I think that it was the noble lord's duty to have stated the king's government where the enervating points were. It has ever

been my, that most important of all considerations. The noble lord, indeed, though he has talked so much of complications, seems to have an understanding so far from being as to be utterly incapable of conceiving any relation between objects. He says nothing but a large revenue, but says nothing of the large debt. He talks of a large army, but he does not consider that our country has an army, a very large army. Surely it is not enough to tell us of an army larger than in queen Anne's time, or even in the American war, when the relative of circumstances is so wonderfully changed. I might then quit this part of the subject by saying, that the state of the country is almost in every point directly the reverse of that described by the noble lord; but I would beg leave to ask him, whether the most prosperous state of the country has ever arisen between May 1804, and the 6th, 1806? The noble lord himself cannot claim the merit of the prosperity of the country. But will some of those very near to the Government (Messrs. Canning, Rose, &c.) agree to the proud situation of the country in 1804? Nay, would not the assertion have appeared strange to that right honorable person whose memory the noble lord has so frequently drawn this evening? Was it so prosperous in 1804? and what is the difference in the increase of the army since then? Some 20,000 or 30,000 men, perhaps. With respect to the parish bill, the

beginning of the war a general apprehension was entertained that an invasion would immediately be attempted, and it may have appeared necessary to augment the army, even at the risk of encroaching upon the future supply. But the noble lord says, this is all theory, and that no more men will be obtained. Now, I should think, however, that the theory which tells me that you have the best chance of being cheaply provided when you are the only bidder, is preferable to the noble lord's practical argument, that the more competitors you let in to the market, the more recruits you are likely to obtain, and at a small bounty. The noble lord tells us, too, that it was the intention of the late Mr. Pitt to make an addition of 20 or 25 thousand men to the army. And in fact, I have no doubt, that my right hon. friend will propose, not only to leave no deficiency in the effective force already considered proper to be kept up, but will suggest any further increase that may appear necessary.—It ought to be remembered that, with the exception of Russia, a power, however, whose alliance, desirable and important as it is, must be confessed to be too remote for producing a decisive impression on the Continent, we have no ally whatever of any consequence willing to fight for us. Such is the prosperous situation the noble lord describes. When this is considered, and the state of the Continent is taken into view, it must be allowed that it is time to think of increasing our Army. Both for the purpose of war, and what must be the establishment of any peace likely to be obtained, it is proper that the subject of the army should be maturely weighed. Indeed, by the circumstances of Europe, I am ready to confess that I have been weaned from the opinions I formerly held with respect to the force that might suffice in time of peace; nor do I consider this as any inconsistency, because I see no rational prospect of any peace that would exempt us from the necessity of watchful preparation and powerful establishments. The subject of the army, therefore, must come before us in different shapes, and it presents itself in different views. If we cannot obtain a safe and honourable peace, of which it is impossible, in the actual state of affairs, to be sanguine; and if we do not obtain, in carrying on the war, that species of success hardly to be calculated upon, we must be reduced to that state which I, for one, cannot contemplate without apprehension, that of

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our enemy, whose great object was our destruction. He assented most cordially to every proposition for putting the army on a proper and respectable establishment, but differed in several points from the right hon. gent. who had submitted this proposition to the house. He hoped this difference of opinion on his part would not be attributed to any desire to oppose the present administration. He was of opinion, in the present circumstances of the country, that all party feelings should be laid aside, and no systematic opposition entered into, unless it should be found that ministers were betraying their trust and abusing the confidence of the nation. But it was the duty of every member in that house to take care that the declining years of a beloved sovereign should descend to the grave in peace. Any change in our military establishment, he thought, had better be postponed till a time of peace. It was like quitting a good position on the eve of battle in quest of another, by which we exposed ourselves to inevitable defeat. We had already, he thought, a large army, and the means also in operation that were likely to increase it. He should at present only make a few observations upon the different heads into which the right hon. gent. appeared to have divided his speech, viz. the repeal of the Additional Force bill; 2dly, the regulation of the Army; and 3dly, the regulation of the Volunteer system, and the improvements of the *Levy en Masse*. With respect to the first of these he confessed that he himself had at first opposed that additional force bill, from the idea of its being an innovation, but now since it appeared to have been the means of producing men, and likely to be still further beneficial in being productive of a regular supply to the army, he should hesitate very much before he should vote for the repeal of such an act. It most undoubtedly ought not to be repealed merely upon prejudices taken up at the outset of the plan. The number of men produced within the few last months operated very greatly in its favour, and tended to show the absurdity of repealing an act previously to proposing any substitute in its stead. It had been found that by common recruiting the deficiencies in the army could not at present be filled up. The right hon. gent. had in his speech taken notice of the circumstance that the trifling bounty of one guinea or two guineas being sufficient to procure men for the army in the reign of king William, and in the time

of king George II.; but he wished him to advert to the extreme difference of those from the present, and the number of men actually required for the services of the country. When the French fleet came up to the Downs, in the year 1744, the total number of the army to defend the country was 19,000; a circumstance which might be in the recollection of many gentlemen at this present day. It was impossible to think of keeping up an army upon principles adopted in the reign of George II. the second; and such being the case, it would do no end to advert to what could not possibly be effected at that distant period to the proposed mode of recruiting the limited service, he did not think it would have the effect of even increasing the first levy, and far less would it tend to retain the men in the second instance. It had been a constant complaint in regard to the army of Reserve, and the same would undoubtedly occur in the present instance. It had been already found that desertion took place more frequently in the limited, than in the unlimited service. The army of this country might be said to be always an annual army, from the circumstance of that house enjoying a privilege which he hoped they would never be deprived of, that of voting a sum annual for its maintenance. Men could not, therefore, be said, to be enlisting for life, it appeared that they thus only enlisted for the particular length of time during which their services might be required. By the present practice in the army (a privilege which did not appear on this occasion to have been adverted to), no man was retained in it above 24 years. This was a violation of the custom of the ancient Romans, whose soldiers, after having served a certain number of years, procured what was denominated *remissio*, and were afterwards transferred to another description of service. He had the smallest objection to this custom, if strictly attended to, and enforced; but he should be extremely sorry indeed, to see a new system, not likely to produce any good effect, introduced. This was running the risk of altering the army in the most irregular manner. What constituted the superiority of the regular army? It was the feeling which the men had of their situation as soldiers, and kept on a different footing from those who were raised on a dissipated plan. He warned the house to pause before they attempted to introduce such a dangerous innovation, and to reflect upon

might probably be the consequence in regard to the navy of Great Britain. He was not at all aware that some regulations would not become necessary, in order to ascertain a specified term of service for sailors and marines, men who might be said at present to be engaged in an unlimited species of service. He most sincerely hoped that ministers would not encumber themselves with any opinions which they might have formerly uttered in that house, when they in their own consciences were, he believed, convinced that their plans would not be successful. If we were to keep up our army even in time of peace to the amount of 150,000 men, we might reasonably suppose that between 50 and 60 thousand men would be found necessary for our colonies, for garrisons, and for reliefs, &c. This would be keeping up a larger army than would otherwise be necessary, and that principally for the purpose of relieving those men whose time was expired. It had been found by the experience we have already had in the militia, that no sooner was a man's time expired, than he retired from the service with the utmost eagerness. He saw no occasion for our imitating the custom of other countries who stood in situations entirely different from ours. He agreed with the right hon. gent. in adopting some plans for bettering the condition of the army, but he could not help thinking that every one of the regulations now proposed might with equal propriety be applied to the army, as it at present stood. He also approved of making use of the *Levy en Masse* bill, but united in thinking that it would require some amendments. With respect to the rank of volunteer officers, he might also agree with the right hon. gent. that it might have been prudent to make some further regulations, had they been adopted from the commencement of their institution; but he recollected that in the year 1794, when that right hon. gent. was secretary at war, he did not get up in his place to oppose the measures which were then adopted. The right hon. gent. concluded with stating, that he had a great many other observations to make against the proposed measures, which, on account of the lateness of the hour, he would defer till a future opportunity.

General Norton said, that it fell to his lot to command a second battalion raised by the former act; and from an account of the state of that battalion, he could show that out of 755 rank and file, 681 men had

offered themselves for general service. He therefore was led to believe, that the bill alluded to had actually proved very efficient.

Sir James Pulteney objected to the whole outline of the plan brought forward by the right hon. secretary, as it tended to a diminution of the regular force of the country. It went to repeal the Additional Force act, an act by which greater encouragement was actually held out, by specifying not only a limited time, but even a limited place of service, while the scheme proposed only related to a limitation of the time. He thought that the character of the British soldier would be materially injured by the change proposed. The motives which generally led men to encounter dangers would be greatly lessened, by enabling them to leave the service and return to live with their families and friends, and it was natural to suppose that the national character would gradually decline. This was not the practice of any great military nation in Europe. He thought that the Volunteers, who had already incurred many heavy expences, ought to be continued on their present establishment. He disapproved of the plan of an armed peasantry.

General Tarleton also objected to the proposed mode of recruiting, as it went evidently to demolish a great part of the army as already established, and to do away the Volunteer force, without substituting any other eligible mode. He had in his pocket the clearest proof of the efficacy of the Additional Force act. He was convinced that the finest recruits had been raised by that act. He could not help observing, that several of the lords lieutenants of counties appeared to have been remiss in their exertions in raising the men; but from this obloquy he might venture to exempt the county of Lancashire, to which he belonged. In the county of Devon there had been 35 men raised, in Surrey 539, in Essex 89, and in the county of Berks only 35. Such statements showed the disparity of exertions used to fulfil the object in view. He acknowledged that there were many officers who did approve of the limited species of service, and that he had formerly approved of it, but now, since he understood the matter, he had seen the propriety of encouraging a difference of opinion. Considering our insular situation and numerous colonies, it was absolutely necessary that we should abide by the regulations formerly adopted, in regard to the Army. He

found that most of the officers of experience and skill, whom he had consulted, were perfectly adverse to the system. He disapproved highly of encroaching upon the Volunteer system. No less than 300,000 men had voluntarily come forward, and had already proved themselves extremely serviceable to the country, and were by this change totally unfixed and unhinged. Was this a proper time for such dangerous experiments, when the enemy might attempt invasion during the course of the summer? The hon. general then spoke in high terms of the efficiency of the Volunteers, many of whom he had had the honour of commanding. He denied that the *Levy en Masse* would be the means of recruiting the army.

Sir *W. W. Wynne* said, that he was ready to prove that every man that had been raised for Denbighshire, was procured by means of a crimp. Lancashire, therefore, taking that fact and the statement of the hon. general together, had almost all the honour of carrying into effect the provisions of the Defence act.

Mr. *Langham* said a few words in favour of the bill.

Lord *Temple* observed, that charges against officers in a most respectable and highly honourable situation should not be lightly made. An hon. gen. (*Tarleton*) had accused some of the most highly confidential officers under government with thwarting the intentions of his majesty's ministers, whom it was their duty to support; he had, in fact, impeached them with a sort of under-handed work which thwarted the designs of the legislature for the defence of the country.

General *Tarleton*, in explanation, said that he did not intend to accuse any lord lieutenant of thwarting the intentions of government.

Colonel *Craufurd* said, he would not then enter into a detailed statement of his sentiments with respect to the plan now submitted to the house. He could not for a moment, however, suppose that the right hon. secretary of state (*Mr. Windham*) had ever entertained the strange idea that seemed to be attributed to him, of suffering men to ask for their discharge, neither could he suppose that the right hon. secretary entertained so mean an idea of the character of a soldier as to imagine that he could think of asking for his discharge, while his brothers in arms had military duty to perform.

VOL. VI.

Mr. *C. Dundas* stated the causes of the petition from Berkshire, for the repeal of the Additional Force bill, and maintained that the principle of that bill was impracticable.

Sir *W. Young*, alluding to what had fallen from an hon. general, spoke in justification of the conduct of the lords lieutenants of counties in regard to their exertions under the Additional Force act.

Colonel *Graham* said, he thought the limited service would operate as a great inducement to men continuing in the army, and would be the means of preventing desertion, which had now become too frequent.

Mr. *Huddleston* professed himself friendly to the principle of limited service.—Leave was then given to bring in a bill to repeal the Additional Force bill. At 2 o'clock the house adjourned to Monday the 14th instant.

HOUSE OF LORDS.

Monday, April 14.

[MINUTES.] The Irish Militia Service bill passed through a committee, and was reported.—The Irish First Fruits bill, the Irish Treasury Bills bill, the British Fisheries Encouragement bill, were brought from the commons and were severally read a first time.—Lord Grenville moved that the committee appointed to search the journals for precedents of proceedings in cases of Impeachment, be instructed to consider of the best mode of proceeding on the trial of lord viscount Melville, and do report thereon.—Ordered.

HOUSE OF COMMONS.

Monday, April 14.

[MINUTES.] Mr. Calcraft presented, "an Account of the sums which remained in the Exchequer on the 1st Jan. 1805, being part of the grants of parliament for the service of the Ordnance for the year 1804, specifying the proportion remaining of each grant; and also an Account of the unappropriated balance in the hands of the Treasurer of the Ordnance, being part of the said grants, on the 1st of Jan. aforesaid."—A new writ was directed to be issued for the election of a member for Helston, in the room of *Davies Giddy*, esq. who has accepted the Stewardship of the Chiltern Hundreds.—Mr. *Jervis*, in pursuance of a former notice, moved for leave to bring in a bill for altering and expediting the trial of offences committed in

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distant parts on the high seas. The grounds on which he submitted his motion to the house were as follows: by the act of Henry VIII. the jurisdiction of the admiralty had been extended to all offences committed on the high seas; but the exercise of this jurisdiction had been often attended with great delay and inconvenience, inasmuch as it became necessary that the offender and the witnesses should be brought to this country, and that the trial should take place here. To remedy this inconvenience, the admiralty, by an act of William, were empowered to appoint a special commission for conducting the trial of offences in distant parts. But the authority of such commissions was confined to the colonies; and besides, they acted upon the principles of the civil law, which were very different from those of the common law of this country. The design of this bill, therefore, was to prevent the necessity for bringing home the offenders, and also that they might enjoy the benefit of the trial by jury, and not be tried according to the forms of the civil law. Leave granted.—Mr. Paull thought that an hon. director (Mr. Huddleston), would have moved for the paper about which he had given notice, before he (Mr. P.) brought forward his charges against marquis Wellesley, but now, however, he understood that he had abandoned it. He would, therefore, move on Friday for certain papers, to lay the grounds of his charge against marquis Wellesley; also for papers for an additional charge respecting Furruckabad; and, that it might not be said that he came by a side wind on the house, he would also move for a paper which would lay the grounds for a charge of direct disobedience against the noble marquis.—General Gascoigne moved an address to his majesty for Copies of the Capitulation of the Colonies of Demerary, Essequibo, Berbice, and Surinam, to his majesty's arms.—In a committee of Supply the Army Estimates were voted, upon, as the secretary at war stated, the same scale for the same services as that of last year. The Report was ordered to be brought up to-morrow.—On the motion of Mr. Jeffery, it was ordered, that an Account be produced of the number of Line-of-battle Ships and Frigates in ordinary on the 1st of Oct. 1801, shewing the Repairs necessary to put them into condition for permanent service, &c.—On the motion of Mr. James Fitzgerald, the 2d reading of the Irish Population bill was put off till the 1st of Aug.—Mr. Vansittart

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[DEBTS OF THE NABOB
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describe several treaties with the of the Carnatic, subsequently to ne; he should however, be as brief nature of the subject would allow. t, an act was passed, the 24th of g, cap. 25, intitled, "An act for ter regulation and management of irs of the East-India company, and British possessions in India; and blishing a court of judicature for e speedy and effectual trial of per- cused of offences committed in the dies." By the 37th section of that was provided that, "whereas very ms of money are claimed to be due sh subjects by the Nabob of Arcot, recovery whereof it is expedient that istance should be given them as consistent with the rights of the y, the security of the creditors, and our and dignity of the said Nabob; acted, that the court of directors aid company shall, as soon as may e into consideration the origin and of the said demands, as far as the s they are in possession of shall them to do; and that they shall b orders to their presidencies and abroad, for completing the invest- thereof, as the nature of the case quire, and for establishing, in con- h the said Nabob, such fund for harge of those debts, which shall o be justly due, according to their ve claims of priority, as shall be nt with the rights of the said uni- pany, the security of the creditors, honour and dignity of the said ' The first question which pre- self, was, what was done in conse- of this legislative enactment? ute was promulgated at Madras in 15, and soon afterwards a treaty eluded between Mr. Davidson, the overnor of Madras, and the Nabob Jah, by which it was stipulated highness should annually pay four agodas as a military subsidy to the y, and set aside a fund every year s, in liquidation of his debt to his creditors, being British subjects, s debt to the company. The pri- titors, according to the orders of of Directors, were to consist of only, the other debts of the Na- having at that time fallen under ice. The 3 classes consisted of, ebt distinguished by the name of olidated Debt of 1767, amounting

to 7,96,445 pagodas; 2. The old Ca Debt, 6,90,624 pagodas; 3. The Cor dated Debt of 1777, 54,98,500 pag making a total of 69,85,570 pagodas in British money, 2,794,228*l*.—These vate creditors were called upon to ins their names in a register, and hence t 3 classes of debts were denominated registered debts of the Nabob of A. The hon. gent. said, he mentioned circumstance, that gentlemen, who spoke of the registered debts, might un- stand his meaning without further expli- tion, and comprehend what debts were eluded under that denomination. could specify the regulations by which court of directors fixed the proporti- the 12 lacs of pagodas, which was to employed in liquidation of the cla- of the private creditors, and the which was to be appropriated to the charge of the debt to the company; he was fearful of being led too much i detail, and of occupying too much of time of the house. It was sufficient to that he possessed a copy of these reg- tions, and should be ready to prod- them, if any gentleman should wish to b the statement. In Feb. 1787, a new t- ty was entered into between the Na- Wallak Jah and sir Archibald Camp- then governor of Madras, by which it- agreed that the military subsidy, to be future paid by his highness in time peace, should be 9 lacs of pagodas, i that 4-5th of the revenues of the Carn- should be appropriated to the use of company in case either of the parties sho- be at war, for the treaty was both off- sive and defensive. Twelve lacs of pagoc- as by Mr. Davidson's treaty, were to annually contributed for the discharge b- of the private and public debts of the N- hob, subject to the company's regulations which he had before alluded. A few ye- afterwards it was found, so dilatory t- the Nabob been in his payments, that arrear of about 19 lacs, had accrued un- the two before-mentioned treaties. At i- close of 1789, Tippu Sulstaun, the king Mysore, made an attack upon the ally- the company, the Travancore Rajah. T- late marquis Cornwallis, then govern- general, went to the assistance of the R- jah, and demanded from the Nabob of t- Carnatic, the contribution stipulated i- his treaty with sir A. Campbell. T- 4-5th's of the revenues were, however, irregularly paid, that a considerable arr-

was soon found to exist; the supplies of grain and cattle were so tardily provided by the Nabob's servants, that the service suffered considerable detriment. On these two grounds, the marquis Cornwallis found himself under the necessity of assuming *pro tempore* the civil in addition to the military government of the Carnatic, and the entire management of the revenues. At the close of this war which was brought to a glorious termination in 1792, the marquis Cornwallis returned the country into the hands of the Nabob, and formed a new treaty with his highness, by which it was stipulated that 9 lacs of pagodas should in future be paid to the company, annually, as a military subsidy; and a new arrangement was made respecting the sum to be appropriated each year to the discharge of the Nabob's debts. The marquis being convinced by the representation of the Nabob that his revenues were not adequate to so large an annual payment as 12 lacs, in liquidation of debts, and being desirous of manifesting a spirit of forbearance, and an example of moderation, consented that only 6,21,105 pagodas should be annually applied in satisfaction of the claims of the private creditors only; the debt to the company not being expunged, but left to future investigation, and to the arbitration and decision of the marquis Cornwallis himself: this reference was occasioned by some disputes in the accounts, which were not easy of adjustment.—The next treaty which he should have occasion to mention, was concluded in July, 1801, between Azeem ul Dowlah, the present Nabob of the Carnatic, and lord Clive, now earl Powis, then governor of Madras. By this treaty it was provided that the civil and military government of the Carnatic, and the full and exclusive administration of the revenues, (with the reserve of a portion to be appropriated to the maintenance of the Nabob, and for the support of his dignity,) should be vested in the hands of the East-India co.; and that the 6,21,105 pagodas, as by marquis Cornwallis's treaty, should be annually applied to the discharge of the registered debts. This treaty with Azeem ul Dowlah, though last in order of time, was first in point of importance, because it was the foundation of the arrangement in July 1805, between the company and the creditors of the late Nabobs. What effect, said the hon. gent., had been produced by the enactment of the statute of 1784, and the several treaties which grew out of it, and

which he had here described to the debt of the Nabob was not called upon to object, as his bill related to creditors; nor was the present moment very improper, ever the debt might be, in consequence of the superior management of the Carnatic revenues, be in a diminution, and at no very entire annihilation. upon the claims of the the house will learn within May, 1804, the reg completely liquidated. however aware, when of Mr. Davidson's treaty participation of the 12 to the 3 classes, which all engaged their attention wards went by the name debts, that further sum the Nabob. In those that, according to reposed contracted further debt of them were due to British presidencies were to give to them until a full investigation place; a report had been court of directors, and been received. In consequence directions, all persons were deliver their claims to were appointed to receive them. This committee 1785 to 1791, and took all the cases which were them. Their report has court of directors: and efficient investigation of which they had reported examination of debts contracted, that the present been established. The was bound here to notice debts contained in the Madras committee had been orders of the company alluded to the new loan, to distinguish it from loan, one of the registered new cavalry loan was commenced in 1780, and the Nabob Wallak Jah, when the public service purpose of discharging officers and troops, and

break out into an alarming state of mutiny and insurrection; so just were these demands, and so embarrassed were many of these creditors in their circumstances, that the court of directors ordered this debt to be discharged, in the same proportion as the old cavalry debt, out of their part of the twelve lacs of pagodas, leaving themselves at a future time to reclaim upon the Nabob. The sum thus paid, appeared by lord Clive's treaty with Azeem ul Dowlah in 1801, to have constituted at that time a part of the debt from his highness to the company. All the other unconsolidated debts were now to undergo a strict enquiry. Some of them were contracted by the Nabob Wallak Jah, antecedently to the promulgation of the statute of 1784 at Madras, in Feb. 1785, others by his highness subsequently to that period. Others were contracted after the year 1795, when Wallak Jah died, by his eldest son and successor Omdut al Omrah; others by the Ameer ul Omrah, second son of the Nabob, who died before his father. The Ameer had been prime minister to his father the Nabob, and all the property justly liable to pay his private debts, was, by a practice not uncommon in the native governments of India, seized by the Nabob. Hence to that amount the Nabob Wallak Jah was considered liable to the Ameer's debts, and to that amount the fair creditors of the Ameer were entitled to the benefits of the arrangement now under consideration. The East-India co. being of opinion that to pay without distinction all the numerous demands before stated, would be wasteful and unwarrantable prodigality, and that indiscriminately to reject all, would be the grossest injustice and cruelty, many of the debts having been contracted for civil and military services actually performed, or other fair considerations, came to an agreement with the private creditors of the late Nabobs of the Carnatic, to set aside an annual fund of 3,40,000 pagodas, with interest from May, 1804, the period of the extinction of the registered debts. This sum was first to be applied to the discharge of all claims approved in a manner which he should afterwards describe, and the surplus was to form a sinking fund for the redemption of the capital. That the East-India co. by the adoption of this measure, acted most honourably, most justly, and most laudably, would not, be believed, be denied. If the revenues were in the hands of the present Nabob, every gent. must allow that it would be for the honour and

dignity of his highness, and that it would mark the equitable disposition of his highness to appropriate a part of them in discharge of the just debts of his uncle Omdut al Omrah, and his grandfather Wallak Jah; the East-India co., as grantees of the revenues, were bound in honour to pursue the same course. So forcibly indeed was the honourable obligation felt by the court of directors, that they had not, as when the revenues were in the possession of the Nabobs, confined their care, as directed by the acts of parliament, to the interests of British creditors only, but allowed the creditors also to prefer their claims. It was likewise to be taken into the account that when the Nabobs contracted their debts, they had no other means of payment than the revenues of their country, and as no other resource could their creditors look for the liquidation of their demands. Many of them, indeed, had received salaries, or assignments, upon the revenues from the Nabob, directed to the Aumildars or collectors, who nevertheless could not or would not satisfy them. Hence the hon. gent. contended that, although the revenues were not strictly bound in mortgage, they were virtually pledged, whatever hands they might fall, to the charge of every *bond fide* claim. It was further to be considered, that the act of 1784, by directing the East-India co. to establish, in concert with the Nabob, a fund out of his revenues for the liquidation of his debts, recognized the principle that the revenues were justly applicable in such measure. The 33d of the king, c. 52. s. 146. by repealing many parts of the act of 1784, while it specifically retained the clauses relating to the Nabob's debts, acknowledged the same principle. In pursuance of that principle, twice solemnly recognized by Parliament, the East-India co. had now consented that 3,40,000 pagodas should be annually set aside for the gradual liquidation of all the just debts of the late Nabobs. Had the directors acted otherwise, it would have been fairly putable to them that, while the revenues were not their own, and their own property could not be touched, they were ready and willing, in conformity to the directions of the legislature, to aid British creditors in the recovery of their debts; but now the revenues belonged to themselves, now their own coffers might be affected, and their own treasury be affected, they turned a deaf ear to the creditors, and

was soon found to exist; the supplies of grain and cattle were so tardily provided by the Nabob's servants, that the service suffered considerable detriment. On these two grounds, the marquis Cornwallis found himself under the necessity of assuming *pro tempore* the civil in addition to the military government of the Carnatic, and the entire management of the revenues. At the close of this war which was brought to a glorious termination in 1792, the marquis Cornwallis returned the country into the hands of the Nabob, and formed a new treaty with his highness, by which it was stipulated that 9 lacs of pagodas should in future be paid to the company, annually, as a military subsidy; and a new arrangement was made respecting the sum to be appropriated each year to the discharge of the Nabob's debts. The marquis being convinced by the representation of the Nabob that his revenues were not adequate to so large an annual payment as 12 lacs, in liquidation of debts, and being desirous of manifesting a spirit of forbearance, and an example of moderation, consented that only 6.21,105 pagodas should be annually applied in satisfaction of the claims of the private creditors only; the debt to the company not being expunged, but left to future investigation, and to the arbitration and decision of the marquis Cornwallis himself: this reference was occasioned by some disputes in the accounts which were not easy of adjustment.—The next treaty which he should have occasion to mention, was concluded in July, 1805, between Azeem ul Dowlah, the present Nabob of the Carnatic, and Lord Clive, now earl Powis, then governor of Madras. By this treaty it was provided that the civil and military government of the Carnatic, and the full and exclusive administration of the revenues, (with the reserve portion to be appropriated to the maintenance of the Nabob, and for the support of his dignity,) should be vested in the East-India co.; and that the sum of 6.21,105 pagodas, as by marquis Cornwallis's treaty, should be annually applied to the discharge of the registered debts. This treaty, Azeem ul Dowlah, though late in time, was first in point of importance, because it was the foundation of the present arrangement in July 1805, between the company and the creditors of the late Nabob. In effect, said the hon. gent., the arrangement was by the enactment of the statute, and by the several treaties which

rectors, for the diminution of the debt from the Nabob to the company, or for any other useful purpose. This difference amounted to about 112,442*l.* sterling, and being added to the surplus of 1803-4, would make the surplus of subsequent years rather more than 450,000*l.* Such was the increase of revenue under British care, while the Nabob lived, not in the embarrassed condition of his predecessors on the musnud, but in a state of comfort, affluence, and splendour. Such were the fruits derived from that undivided government which the late marquis Cornwallis wished to establish, as appeared from the following extract of his letter to the court of directors, dated the 10th of Aug. 1790: "I must freely own," says the noble marquis, "that I could not venture to propose any plan, on the success of which I could have any firm reliance, unless the Nabob could be induced by a large annual revenue, regularly paid, and properly secured to him, to surrender the management of his country for a long term of years, to the company.—The Nabob's age, his long connection with us, his right to the possession of the country, which, however, without our assistance, would have been but of little value to him, and exaggerated accounts of former services, may furnish topics for popular declamation, and may possibly engage the nation, from mistaken ideas of humanity, to support a system of cruelty and oppression; but whilst I feel conscious that I am endeavouring to promote the happiness of mankind, and the good of my country, I shall give very little weight to such considerations, and should conceive that I had not performed the duty of the high and responsible office in which you did me the honour to place me, if I did not declare, that the present mixed government cannot prosper, even in the best hands in which your part of it can be placed; and that unless some such plan as that which I have proposed should be adopted, the inhabitants of the Carnatic must continue to be wretched, the Nabob must remain an indigent bankrupt, and his country an useless and expensive burthen to the company, and to the nation." This, said the hon. gent. was a sufficient proof that the late marquis Cornwallis entertained a just conception of the best mode of promoting the British interests in India, and establishing the happiness of the native states connected with the company. The recommendation of his lordship was, in 1801, effected upon a more

extensive scale by lord Wellesley, and in this respect the system of both, although it was the fashion of the day to point out the variances in their plans, was precisely the same. The hon. gent. added that his only intention was to state the advantages resulting from the *de facto* government of the Carnatic; whether, when its origin was taken into consideration, it was a government *de jure*, he would not now pronounce any opinion, as the question ought to have no place, for the reasons he had before adduced, in the discussions of the bill he should have the honour to propose. Having explained the origin, amount, and conditions of the fund to be applied, under the directions of the deed, to the liquidation of the just debts of the late Nabobs of the Carnatic, he then proceeded to state the mode to be employed in ascertaining the *bond fide* claims, in separating the real from the fictitious creditor. Three commissioners were appointed by the East-India co. with the concurrence of the creditors, for the purpose of examining the origin, nature, validity, and justice of every individual claim, and each claimant was bound to prove his debt. This proceeding was in strict conformity to the principle laid down by the late Mr. Burke, in his famous speech on this subject in 1785. "Enquiry," said that eloquent orator and sagacious statesman, "should precede payment, the *onus probandi* should be laid on the claimant." Both the parties had covenanted to submit, without appeal, to the decision of the commissioners, who were, however, restricted from allowing any claim which had its foundation in presents, gifts, or gratuitous allowances (other than the reasonable fees of lawyers, physicians, &c.), contrary to the acts of parliament in such cases provided. There was also another commission in India, which was, to act in obedience to the instructions of the commissioners at home, and report to them all the information and evidence they should be able to collect. That commission was also empowered to receive claims, for the sake of the convenience of those who might wish to prefer them in India, to hear all the evidence in support of, or in opposition to them, and to transmit it to the English commissioners, in whom alone the power of final adjudication was vested. The commissioners in England had proceeded, in execution of their official duties, to search every document tending to give them general information of a useful na-

ture; they had examined with particular care all the proceedings of the committee at Madras, and looked into the nature and extent of a great variety of the claims. They had not, however, given judgment in any case, and the ground of this conduct, which he should hereafter state, would shew the origin of the present application to parliament. But although the commissioners had been prevented from exercising powers of a judicial nature, they had issued notices, and published them in the Gazette, and periodical papers, for the purpose of ascertaining the number of the claimants, and amount of the claims, which certainly was as considerable as stated by an hon. gent. (Mr. Francis) on a former night, and had taken every other step which appeared to them necessary for the furtherance of the important objects of the commission. But why had they not proceeded to adjudicate? this was now to be explained. A general outline or sketch of what was proposed to be detailed in the deed was sent by the court of directors to the commissioners, by which they were instructed "to found their proceedings in all cases on the voluntary oath of the persons appearing or called before them." By the deed, however, as would appear by the following extract from the 19th clause, a discretion, as to the mode of evidence to be required, was vested in the commissioners, "who are to be at liberty to receive proof by the testimony *virâ voce*, or by examination on written interrogatories, or by affidavit of witnesses, and by production of written documents, and by the examination of the parties, and by reference to the accounts and vouchers of the said several Nabobs, and the said Ameer, and the proceedings of the said united company, and their court of directors, and committees, and of their governments abroad, and any committees, or officers acting under such officers, or otherwise, as shall be satisfactory to the said commissioners in England." The hon. gent. said, that he must request the attention of the house also to the last clause of the deed, which was as follows: "It is hereby declared and agreed, that in case the said commissioners in England shall be of opinion that the powers hereby intended to be vested in them are insufficient for the execution of the trusts reposed, according to the true intent and meaning of these presents, and that it is necessary they should be empowered to administer or to compel the attendance and examination of parties, or witnesses on oath of papers, or that vested with any powers, vested in them without parliament, or that the purposes of these presents shall be carried into execution the true intent and meaning of these presents, then, and in any said parties hereto, or successors, executors, assigns, shall and will with utmost endeavours to perform the acts of parliament, to be to time, as the said commission shall think necessary for the purposes aforesaid." The hon. gent. stated, the commissioners were desirous to effect the evident preference and calling, in all cases, oaths; but they entertained propriety of the proceeding. Mr. Ramsay, dated the day they observed, that "the usage of administering oaths has long been, and we may be to conform to the intention of the parties in entering an opinion which, as has been very recently the highest legal authority, of administering such oaths, incumbent upon us, for we are concerned, the *E bond fide* creditors, and the best means of informing before we issue notices, sons to take this voluntary their evidence being hardly necessary to state to require any one to take no one is legally authorized. We would therefore submit, whether, as the speedy method of relieving ourselves from this difficulty at the outset of the business be desirable for them to the opinion of the law-officers the counsel to the East question, the important application to this case require comment. It should be of opinion in such a case as the present in administering a voluntary oath, we warrant

formity to the intention of the parties, and to refuse any testimony which is not tendered on oath. If they should entertain a contrary opinion, the parties and ourselves will have the satisfaction of knowing that we have no discretion upon the subject, and that we are under the necessity of receiving and deciding upon testimony, not on oath, because an oath cannot with propriety be required.—Whatever may be the result of that opinion, we should be much concerned if the readiness we express to proceed upon such evidence only, as the parties have considered to be the best that could be obtained, without the interference of parliament, should lead them to conclude that, in our judgment, such evidence would be as effectual for the execution of the trusts reposed in us, as that which is given under the sanction of an oath, administered in the ordinary course of judicial proceedings. On the contrary, we think ourselves bound to take this opportunity of declaring, and we feel ourselves more particularly called upon to do so, by the provision of the 17th clause of the plan, and the last clause in the deed, that, after having examined and considered the extent and nature of many of the claims contained in the papers and documents you have from time to time transmitted to us, we are persuaded that it will not be in our power to investigate and decide on the whole of them, with the same degree of satisfaction to all the parties concerned, as if we were legally authorized to examine persons regularly on oath. As soon, however, as we are furnished with the legal opinion, which we have requested, upon the point which forms the more immediate subject of our present communication, we shall adopt, without delay, such measures, and such mode of proceeding, as may appear to us best calculated, under the existing circumstances, for the attainment of the object of our commission. We beg the favour of you to take the earliest opportunity of communicating his letter to the hon. chairman, and court of directors. We have the honour to be, &c. R. Ryder; B. Hobhouse; Th. Cockburne.”—The hon. gent. observed, that as this was the first occasion which had occurred of mentioning the names of the commissioners, he took the opportunity of informing the house that his hon. friend first named (Mr. Ryder) had been compelled, by weak and tender health, which no man lamented more than himself,

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to resign his situation, so that the commission had lost his important services. He did not make this observation in derogation of the considerable assistance received from his hon. friend's successor (Mr. Horner), a gent. in the profession of the law. The court of directors sent the letter of the commissioners, from which the extract which had been read was taken, to the three eminent counsel whose opinion was desired, and the following was their answer: “After what has fallen from the high authority alluded to, and from other judges on the bench, we are obliged to say, that at least so much doubt is thrown upon the legality of administering voluntary oaths that we cannot say that they may be administered with safety and propriety, nor can we advise the commissioners to require them to be administered. (Signed) “Sp. Perceval; V. Gibbs; W. Adam.”—The following extract of a letter from the commissioners to Mr. Ramsay, dated Aug. 15, 1805, would shew the impression produced upon their minds, upon receiving the sentiments of these learned authorities, for whose judgment they, in common, he believed, he might say, with the house, and the whole nation, felt the highest respect. Having acknowledged the receipt of the letter from the India-house, containing the opinion of the counsel, they proceeded thus: “The result of the reference to the legal authorities, who have been consulted on that subject, of course makes it impossible for us to require any oath at all, and only serves to confirm us in the opinion we gave in the concluding part of our letter of the 27th of July. Under these circumstances, we feel it incumbent upon us, in justice to the parties, as well as to ourselves, to express that opinion, in the words of the last clause of the deed, viz. that the powers now vested in us are insufficient for the execution of the trusts reposed in us, according to the true intent and meaning of that instrument.”—The house had now heard the circumstances which led to the application to parliament, and occasioned him to move for leave to bring in a bill. When the bill was introduced, the house would find no clause by which parliament confirmed or sanctioned the agreement of July, 1805, between the East-India co. and the creditors of the late Nabobs of the Carnatic. That agreement had been correctly drawn, and formally executed by the parties, and had received the sanction of the board of commissioners for the af-

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der) had still continued the commissioner, the argument would have been very forcible; but, when addressed to himself, it had no weight. His scruples at length gave way to intreaty: he should have been better satisfied if any other gentleman had introduced the measure to the notice of parliament, and any other gentleman, he was sure, would have done greater justice to the cause of the parties. After having stated, that if the house gave leave to bring in the bill, which was already printed, and read it a first time to-morrow, it was his intention to allow a sufficient interval for consideration before the second reading, the hon. gent. concluded with moving, "that leave be given to bring in a bill for enabling the Commissioners acting in execution of an agreement made between the East-India co. and the private Creditors of the Nabobs of the Carnatic, the better to carry the same into effect."

Mr. *Whitshed Keene* complimented the hon. gent. on the great talents which he had displayed in the course of his elaborate speech. At present, he did not see any strong objection to the measure proposed; but he could not help remarking, that, in looking over the list of claimants, he saw a number of names of persons bearing high situations in India, and who, perhaps, had no strong claims on the humanity and equity of the company in this instance. He must also observe, that, although in 1784 this country claimed no right of participation in the surplus of the revenues of the company, yet, from the year 1793, the public had a claim of half a million annually, which it had never received; and, on the contrary, it was now stated, that a million was due from the public to the company. This might be a consideration in the discussion of the measure proposed. He had not been aware, that the business would have come on that night, but should be prepared on the day appointed for the second reading, to offer such observations as the consideration of the subject should suggest.

[STIPENDIARY CURATES' BILL.] Mr. *Perceval*, in pursuance of a former notice, moved for leave to bring in a bill, for making more effectual provision for the maintenance of Stipendiary Curates, and for their residence on their cures. He trusted it would not be necessary to trouble the house at much length on the expediency of the bill which he now proposed. A bill to the same effect had lately passed this

house, but in consequence of certain alterations which it had undergone in the Lords, and which were not agreed to by the house, the bill had, at that time, been lost. He trusted, that the bill which he now proposed, would meet with the concurrence of the house, as some alteration was rendered still more necessary than ever, by the increase in the value of livings, in consequence of the improvements in agriculture, and particularly by the depreciation of money in late years. He was convinced it would appear but reasonable, that, where a living was beyond 400*l.* a year, more than 700*l.* year should be granted to the Curate.

Lord *Perceval* said, that it appeared to him, from what had fallen from the hon. and learned gent., that the proposed bill was founded on the same principle as the former: a principle which, he trusted, would never be recognised by the house. This bill was to give the Bishop the power of rating the income of incumbents, and assessing them according to his pleasure. It communicated an uncontrollable power which was liable to abuse, and authorised an invasion of the property of the subject. Besides, it would be premature to introduce such a bill, while a committee had been lately appointed to obtain information respecting the residence and situation of the Clergy. These enquiries should be completed before any such measure was brought forward.

Mr. *Perceval* replied, that he had nothing that ought to prevent the introduction of the bill. It might be brought in at present, and the house might pass it before the bill received a final discussion: till the report of the committee was received. It could not be said that the power of the Bishop would be uncontrollable, since an appeal would lie to the Archbishop. The alteration in the value of money was such as must convince every man that 75*l.* per annum was not an adequate stipend to be paid to the officiating Curate by the non-resident Rector. The value of some livings in England amounted to 200*l.* a year, and it was surely not unreasonable that the Bishop should have it in his power to increase the stipend of the Curate to some degree of proportion to the value of the living. The great object of the bill was to give such a power to the Bishop as might enable him to make adequate provision for the officiating Curate, who performed the duties of the non-resident incumbent.

Lord *Porchester*, in explanation, said, no case had been produced to shew that the house should adopt this novel proceeding.

Mr. Secretary *Fox* said, he did not rise to oppose the bringing in this bill, but to observe that, in his opinion, the allowance to the Curate ought not to be proportioned to the wealth of the rectory, or living, but to the duty he would have to perform, and the relative situation in which, in other respects, he stood in the parish.—The question was then put, and leave granted to bring in the bill.

[CONDUCT OF EARL ST. VINCENT.] Admiral *Markham* finding, on examination, that several of the papers ordered with a view to the motion of enquiry into the conduct of earl St. Vincent, and those particularly necessary to the vindication of the noble lord, had not been produced, moved that a return be made forthwith to the orders for an account of the ships ordered to be built by contract, the price paid, and the sums expended in the repairs of the said ships, particularly those of the ships *Ajax* and *Achille*; a copy of the statement of the master builder in his majesty's dock-yard at Deptford, of the price of each article used in building ships of the line at the commencement of the year 1805; a report of the expence per ton of building 74-gun ships at Deptford in 1800 and 1805 respectively. The book called *Doomsday Book*, contained an account of the original cost of every ship in the navy, and the sums expended in repairs upon her. But as some difficulty was stated to exist with respect to the production of extracts from this book, his anxiety for the full investigation of the noble earl's conduct, would not allow him to insist upon the production of those he thought to be wished for in this case, he moved that the returns to the orders alluded to be made forthwith, and he wished the navy board to be called to account for their not having been produced before.

Mr. *Jeffery* complained of the delays thrown in the way of the investigation of the noble earl's conduct. If the friends of the noble earl had attended to the papers as he had done, they would have seen the deficiencies, and have caused them to be timely supplied. As to the extracts from *Doomsday Book*, the title of that book was very apposite, for they could not be produced till doomsday. The book was ten years in arrear, and it would take twelve mouths to make it up. He had no objec-

tion even now to defer a few days farther. But required which would take months in preparation, was intended to prevent being ever brought forward.

Admiral *Markham* asked whether he could be charging delay, in mere proper officers be called the papers which had been. Had he moved for fresh might have been some for such a charge, they might have been sufficient papers were necessary only moved, that they count for certain papers and be ordered to furnish he knew *Doomsday Book* convinced, that some might be speedily produced wave its production, to of wishing to cause uneasiness.

Lord *Howick* said, to enquire into the motive gent. opposite to him was terating those heavy charges noble lord; but he had unfounded accusation charged his hon. friend occasion delay. They moved for certain papers charges which had been sent the house from for ment. Some of these withheld, from what appear; but they had not any fault on the part who now called on the immediate production. gent. would press his next, or whether he was for him to determine fairness, the house should session of all the documents throw light on the subject wish to ask any thing as from the hon. gent. but ced that the public had the character of earl St. of no possible benefit from the proposed dis submit it to the discretion himself, whether he would motion, before there was consideration of the papers.

Mr. *Jeffery* declared, to deter or divert him from

its charges. It was a question in which the house and the country were most deeply interested. He had no objection to a reasonable delay, if care were taken to have the papers produced. But if an unreasonable delay were required, he would have an additional reason to believe what he before suspected, that it was intended to throw every possible impediment in the way of the enquiry.—A return to the order for the production of the papers was enjoined forthwith.

[*IRISH HOUSE DUTY BILL.*] The report of the committee respecting the duty of tax payable upon certain Dwelling Houses in Ireland being brought up,

Sir John Newport moved, that the house do agree to the resolutions of the said committee. He said he wished to state shortly to the house the grounds upon which he should propose to take off this tax: up to the year 1793 houses in Ireland having but one hearth paid an annual duty of 2s. but in that year an exemption was granted by parliament in favour of houses of that description, provided the occupier produced a certificate to shew the value of the house. In the year 1795, that tax was continued without the exemption, and from that time it was renewed annually without any exemption. In the last session of parliament a duty of 3s. was laid upon all dwelling-houses not having more than 4 hearths, but it was provided that his tax should not extend to houses below the annual value of 50s. He felt it to be his duty to adopt every measure in his power for the relief of the lower classes of the people, provided it could be done consistently with the public service; and, therefore, he was induced to propose the repeal of this tax because it was one which pressed upon them severely. It was true that there was, as he had already stated, an exemption in favour of houses below a certain value, but this exemption was the cause of perpetual disputes between the occupier of the house and the hearth-money collector, because it made the latter to a certain degree the judge of the value of the house. It was true that the occupier was not bound to submit to the value which the collector might fix upon his house, but then it was necessary that he should apply to his landlord, or to the person who collected his rents, and then he had to go before a magistrate to obtain the proper certificates; so that in fact his loss of time and labour was more than equal to the

amount of the tax. It was upon this ground that he should move for the repeal of a tax oppressive in its nature, and very productive in its amount.

Mr. Foster said, he felt himself bound upon to say a few words upon this subject. He had been under the necessity of paying this tax last year, in order to obtain necessary supplies, but he was not disposed to admit that there was no tax which could be taken off sooner than this. He provided it could be done with propriety. When, however, he looked at the state of Ireland, and of the finances of the country, he could not be an advocate of taking it off by this short cut as it was proposed. The amount of this tax was about 20,000*l.* a year; and if it was taken off, that the annual produce of the land of Ireland was not equal to the expense of the war, he did not think it prudent to do it without due examination; but he was not disposed to repeat again, that if it could be done with propriety he should be most sensible and glad of it. Before the house considered the repeal of it, they ought to consider whether they could substitute in the room of it another tax, but this was not the time to go into the subject for consideration; for he hoped the right hon. baronet did not mean to go on this session into a statement of the finances of Ireland when so few gentlemen from that part of the United Kingdom were present. The loan contracted for the service of the war and land for the present year was a very large one, and therefore it would be highly proper to take off taxes until some substitute had been provided, and he trusted that this proposition had not been brought forward till the right hon. bart. opened the subject, when the house would have an opportunity of seeing whether the tax proposed as a substitute was or was not more objectionable or more oppressive upon the lower orders of society than the one which it was proposed to repeal. Suppose, for instance, the right hon. baronet should propose a tax upon the lower orders of society, he would venture to say it would press much more heavily upon the lower orders of society than the present tax, and there would be no exemption for the poorer classes. He begged to observe that the exemption granted to the poorer classes in Ireland was much more considerable than that which was granted in England or Scotland. He threw out these observations not with any intention of opposing the right hon. bart. because he was fully aware of the difficulties of his situation; he would

ways make his observations freely, but that should be as a friend, not an enemy.

Sir *John Newport* said, he could by no means agree with the right hon. gent. with respect to the amount of this tax, but even if the amount were as great as he had stated, he should still propose the repeal, as he did not think it formed a part of the regular financial system of Ireland. It was, as he had already stated, oppressive in its operation, and was calculated to produce perpetual jealousies and discontents. With respect to the tax which he should submit to the house in lieu of the one which he now proposed to repeal, that would be a subject of future consideration. It would be his duty on a future day to state to the house the ways and means for raising the supplies voted for the service of Ireland; and he would then endeavour to propose such a scale of taxation as, while it provided for the exigencies of the state, should press as little as possible upon the lower classes of society. The house would then have an opportunity of judging and deciding upon the whole of the subject. He did not however think, that upon the present occasion his proposition should be met with phantoms and with ideal taxes which he might hereafter propose. He alluded to what had fallen from the right hon. gent. respecting the tax upon iron. This, as he had already stated, would be a subject of discussion on a future day. The right hon. gent. had admitted that this was an eligible tax to take off if it could be done with propriety, and he hoped that he should be enabled to propose taxes in lieu of this, which would be equally productive, and less objectionable. The right hon. gent. had stated that the exemptions were more favourable in Ireland than they were in England, but it should be recollected that in England there was a certain criterion to go by, viz. the parochial rates, which did not exist in Ireland.

Mr. *Lee* said he wished the right hon. bart. would state the amount of the tax which he proposed to repeal, as he thought that was a point upon which the house ought to be put in possession. He did not mean to give any opposition to the motion at present, but he thought it would be better if the right hon. bart. had not brought it forward until he opened the budget.

Sir *J. Newport* said, he had not the slightest objection to state the amount of this tax, if he could do it with accuracy; but the fact was, that not above one-third of it

had been collected, he could form a rough estimate of what was willing, for the sake of taking it at 20,000*l.* he really thought that it would be 7,000*l.* With respect to his reason for anti-get, and bringing forward the present was this, that if he had that period, the collection of the ensuing year would have been then, if parliament had repealed the tax, the consequence would be that part of Ireland would have to pay the tax, while the rest would be free from it.—The resolution was carried, and a bill ordered to be brought in thereon.

[*IRISH BANK NOTES*
The order of the day being read, the subject was brought into consideration the committee respecting the Stamp Act of Ireland Notes,

Mr. *Foster* said, he thought it much better that the practice with respect to Stamp Notes should be uniform in England and Ireland, viz. that the Bank should give a regular compensation in lieu of the Stamp; but he wished that the resolution should be made between the Parliament, and not between the Treasury. This was a subject which parliament could exercise its authority over, before he did not think that it was delegated to others. It was a subject which he had remained in office, a composition; but it was in the manner he had just adverted to the paper currency which he said was so excruciating to others. It was prevented by putting the tax upon the same footing as the other, and by preventing it from being a large advance to Government Bills. The latter was a very desirable object, being so much upon Treasury. It was prevented from affording any accommodation as it might be the public by way of discount had been adopted, the effect of diminishing the quantity of paper, and that was the quantity of silver currency. He did not know what the result would be; he hoped it would not press the right hon. gent.

this subject. He objected to the of bringing forward this measure, intended, that the plan now proposed contrary to former practice, because, the Bank compounded before, it was the Parliament, and not with the of the Treasury.

John Newport said, he hardly knew follow the right hon. gent. in the ations which he had made. The on. gent. had admitted, that if he mained in office he should have pro- a composition; but added, that he not have fixed the rate of composi- and that it should be made with Par- t, and not with the Treasury. He leave to observe, that the resolution efore the house stated, that it would per to compound. When the Bill ough in, it would be for the house ermine as to the quantum of the com- on, and the persons with whom the of making it should be lodged. That be the proper time to discuss the adverted to by the right hon. gent. was one part of the right hon. gent.'s which appeared to him rather sin- he seemed to wish to diminish the ty of Irish Bank Notes in circula- and yet he wanted to increase the ac- odation given by the Bank. He did ow how the Bank could increase its odation, except by increasing its of Notes; and it appeared to him t made no difference whether the advanced money upon treasury bills, ether it advanced money to the pub- on bills, bonds, or other securities. d no difficulty in saying, that as long : restriction respecting specie sub- something must be substituted in the of it; and he did not know what sub- could be resorted to except Bank of nd and Bank of Ireland Notes. With t to the question which the right hon. had asked respecting the sending sil- rrency into Ireland, he had no objec- whatever to answer that question. ument had continued sending over to Ireland as long as the price of sil- rmitted it. Silver currency, to the nt of about 400,000*l.*, had been sent and was discontinued when the price er rose to 5*s.* 7*d.* per oz. It was only d. when they first began to send over ver. The sum which he believed it riginally intended to send to Ireland 00,000*l.*; the sum actually sent was 420,000*l.*; and he had no doubt that

if the price of silver would permit it, nisters would willingly make it up 500,000*l.*

Mr. Foster said, he thought the si should be sent over, even though gov- ment lost by it. With respect to the c- position, the resolution stated that it w- be made with the Lords of the Treasur-

Sir John Newport was of opinion the composition must necessarily be n- with the Lords of the Treasury, other it would be necessary to apply to Pa- ment every year, or else to fix it once all without any regard to time or cir- stances. Giving the Treasury a powe- make this composition with the B- would not create an improper connec- between them, or give the former any due influence over the latter; and it- worthy of notice, that in the year when composition was suspended, the Bank advance a very considerable loan to- public on Treasury Bills.—The resolu- was then agreed to, and a bill ordered be brought in thereon.

HOUSE OF LORDS.

Tuesday, April 15.

[MINUTES.] Lord Duncan took oaths and his seat.—The Irish Militia S- vice bill was read a third time and pass- —The Irish Treasury Bills bill, and British Fisheries Encouragement bill, w- read a 2d time.—*Mr. Hawthorn* brou- up the 20 million Loan bill, which read a first time.

HOUSE OF COMMONS.

Tuesday, April 15.

[MINUTES.] General Tarleton prese- ed a Petition from certain Inhabitants Liverpool trading to Africa, against bill brought in for prohibiting the Imp- tation of Negroes, in British ships, in the Colonies of Foreign States not at- with this country; and also into s- islands as have been captured by t country during the war.—*Mr. Jer-* brought in a bill for rendering more spee- the trial of persons accused of offen- committed in distant parts, on the bi- seas; which was read a first time.—*M-* Perceval brought in a bill for making m- effectual provision for the maintenance Stipendiary Curates, and for their Reside- on their Cures; which was read a first tir- —*Mr. Huddleston* rose to acquaint t house, that he thought the production certain India papers, for which he had i

tending to move no longer necessary, as they were merely extracts from what had been already communicated in another manner. He therefore relinquished his intention of moving for those papers. Lord A. Hamilton immediately gave notice, that on Monday next he would move for the production of those India papers which the hon. gentleman had, to his surprise, declined moving for.—On the motion of Sir J. Newport, the order of the day for the 2d reading of the Dublin Paving bill was read; and after some conversation, in which lord De Blaquiere, Mr. Alexander, and Dr. Duigenan, took a part, the bill was ordered to be read a 2d time on the 1st of May.

[*WATERFORD WRIT.*] Sir John Newport rose to request the attention of the house for a few moments, to a motion which had been appointed for this day, respecting the Sheriffs of Waterford. He hoped, that if it should appear, that what had been done proceeded from ignorance, or inattention, the house would be inclined to pass it over, and that lenity would be shewn to those who had been chargeable with the oversight. But he would also submit to the consideration of his right hon. friend, who had given notice of the motion, that there had been some difficulty in the interpretation of the act on the subject, and that the law as it now stood in Ireland, had been the subject of considerable doubt, and difference of opinion.

Mr. Secretary Fox said, that he was disposed to pay every attention to what had fallen from his right hon. friend. The act imposed a pecuniary penalty on the sheriffs, unless the return was made within 40 days; but it was not meant to give them a discretionary power, to postpone their return of a member to the utmost limit prescribed by the law. Still, however, as some misconstruction of the act had taken place in certain instances, he did not wish to bear hard on any individuals, who had not complied with what appeared to him the plain meaning of the act. The only question for the house to consider would now therefore be, whether it would be proper to amend the act, so as to remove every doubt, or whether a resolution of the house would be sufficient to prevent any such irregularity for the future.

Mr. Lee stated for the information of the house, that the sheriffs in Ireland had a power which was not possessed in this country. In the case of a return for a county member in Ireland, the

neys-general of the different given opinions diametrically was enough to shew that apprehension existed on act.

Sir V. Gibbs said, it a penalty could not be levied made their return within scribed by the act.—Mr. to abandon the motion given notice.

[*WITNESSES' DECLARATION*] Attorney-General having house resolve itself into the Witnesses' Declaration

Mr. Perceval said, that nion there was no necessary bill, yet he would defer his it till it had received t which were likely to be mittee, and, therefore, I pose it in the present sta but he could not avoid n on the bill, which had v rable weight. The desi, to enact that to be the i opinion of a majority of it appeared to him, th judges, who approved c the bill, intended to gi nion. They seemed to be exceptions from the The present bill, theref scribe to them the unqu an opinion which they certain exceptions. Th which he should take urging against the bill, u lifications of the general troduced into it.

The Attorney-Genera his learned friend had dissatisfied with the pri he submitted it to him, not be more consistent in its present progress, i objections to the princip to urge those objection had spent much time an amendment of the bill, all, it might see reason igher.

The Master of the I consistency of his let could not help consideri as unnecessary, but he degree of deference to t who, at it otherwise. out of hands of th

not very unsatisfactory, it should have met with much opposition from

Had he been called upon to give opinion on the subject of the bill, he would have given that which was held by the minority of the judges. But since the majority of the judges had given a solemn opinion on the point, for the purpose of settling the opinion of the lords on a bill in that house, he could not help considering the matter as sufficiently set at rest.

He should think that no judge would venture forth act upon his own private opinion, in opposition to that of the majority; it could not fail to be overruled by the majority of the judges. The law, therefore, was already sufficiently declared: there was no occasion for any interference of the legislature, and the house of lords had followed the opinion which had been laid down by them. But, as it had been already decided by his learned friend, the majority of the judges had delivered a qualified opinion.

They said that, generally speaking, the law was compellable to answer. This, however, converted into a universal proposition, what they only delivered as a qualified one. But he trusted that certain conditions and qualifications would be inserted into the bill; and in that case, the deference which he felt for the opinion of the judges, he should not oppose inserting into a law.—The house having divided itself into the committee, several amendments were proposed by Mr. Giles, which were agreed to, and the report ordered to be received to-morrow.

CAPTURE OF THE CAPE OF GOOD HOPE.] Lord *Garlies* said, that previous to his holidays he had asked his majesty's orders whether they intended to move for a Vote of Thanks to be conferred on military and naval commanders, to whom meritorious services the country was indebted for the possession of the Cape of Good Hope. He was then given to understand, that it was thought proper to wait for further dispatches that might communicate the account of the complete conquest of the Settlement. These dispatches having now arrived, and seeing his majesty's orders in their places, he took the present opportunity of enquiring whether they intended to confer any mark of public approbation on those who had achieved that important conquest. A noble lord (Howick) came down to the house with great satisfaction in the case of sir John Duckworth, and he believed that had it been his particular

province, he would have been eager to forward on the present occasion.

Mr. *Windham* begged to state most distinctly to the house, in answer to the motion of the noble lord, that his majesty's ministers had not abstained from proposing a Vote of Thanks on this occasion, from any want of approbation of the conduct of the officers and men who had been engaged in the expedition. They had done all that was wished to be done, and had done it well; but it did not appear that the capture of the Cape was a military exploit of that splendid nature that called for such a distinguished mark of approbation as the Thanks of the House, which should not be made cheap by being too frequently conferred. A certain degree of discretionary judgment with regard to more and the less, must be left with ministers; and on the best judgment that they were able to form, the achievement alluded to was not one of those which called for a solemn Thanks of Parliament.

Lord *Garlies* did not wish to enter into the merits of the conquest. The acquisition of the Colony—(Here the noble lord was interrupted by the Speaker, who observed that there was no question before the house.)

HOUSE OF LORDS.

Wednesday, April 16.

[MINUTES.] Lord Grenville moved to send a message to the Commons, informing them that his majesty had been graciously pleased, in pursuance of an address of the House, to give directions for fitting up a place proper in Westminster-Hall for the Trial of Lord Viscount Melville. Ordered.—Lord Grenville adverted to the resolution which had been formerly agreed to by the house, for the attendance of Witnesses on the 29th of April, relative to the charges against Mr. Justice Fox, and observed that it would be impossible for the house to proceed at the same time on the trial of lord Melville, and in the examination of the charges against Mr. Justice Fox. He therefore moved to discharge the order, and renew it for Monday, the 1st of May. The marquis of Abercorn assented to the motion; which was agreed to.—Lord Holland, after referring to numerous Petitions on the table from Debtors in the different prisons, praying for relief, stated that he did not think it necessary to detain their lordships by entering into any discussion upon the subject.

tended to move, no longer necessary, as they were merely extracts from what had been already communicated in another place. He therefore relinquished his intention of moving for those papers. Lord A. Hamilton immediately gave notice, that on Monday next he would move for the production of those India papers which the hon. gent. had, to his surprise, declined moving for.—On the motion of Sir J. Newport, the order of the day for the 2d reading of the Dublin Paving bill was read; and after some conversation, in which lord De Blaquiere, Mr. Alexander, and Dr. Duigenan, took a part, the bill was ordered to be read a 2d time on the 1st of May.

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[*WITNESS*] Attorney-G house read the Witne

Mr. P nion the bill, yet it till which mitte pose but on re

gent. he was under a mistake, for he had supposed that Mr. Fordyce was at the head of this commission; but he now found that that gent. was at the head of the creditors. There was something in this transaction, altogether, which was well deserving of, and to which he begged, the particular attention of the house. Why it should have found its way into the house at all, but still more why it was entertained, why it obtained a footing, he could account for on no satisfactory ground. Perhaps it was owing to the operation of interest, but sure he was that there was something very like contrivance about it. For himself, he could affirm that he never had an idea that any such proposition was in contemplation until he heard of the notice, just before the recess, of a motion for leave to bring in the bill. He knew nothing of a committee sitting upon the subject, and there were many others as well as he, whom the knowledge of that circumstance had entirely escaped until the time he alluded to. Then, as to the subsequent course of the hon. gent. The very day after the recess, the first upon which the report of the committee was deliverable, the hon. gent. came forward before, he (Mr. F.) would venture to say, five members of the house had read the report, and proposed a motion grounded upon it. This mode of proceeding no one could deny to be rather precipitate, upon a subject particularly of so much importance. To obtain a little more deliberation as to a circumstance which gentlemen were much mistaken if they supposed of inconsiderable interest, was the motive which induced him to call the attention of the house to the motions with which he meant to conclude. That all the presidencies in India were in great distress, was notorious. The house had the authority of lord Cornwallis for believing that the presidency of Madras was most seriously embarrassed; and that this, with the other presidencies, was running in debt as fast as money could be had to borrow. Into these general distresses, however, he did not at present propose to enter, nor should he go into any discussion about the general state of India. But he would confine himself to the particular object he had in view, which, he wished it to be understood, had no connection with any other question respecting India, which was before the house. Lord Wellesley had, he believed, nothing whatever to do with it. It referred principally to a consideration of

our assets in India, and how far these assets were competent to meet the claims upon them. For it was material for parliament always to bear in mind, that what the India company could not discharge, would ultimately fall upon the finances of this country. Therefore it behoved the house carefully to examine every claim upon the resources of that company. He lamented that more of his majesty's ministers were not present at the discussion of a question of this nature, and that those who were present did not give to the question the attention which it deserved—(there was at the time some conversation upon the treasury bench). Still, however, he would persist in his purpose; and he promised those gentlemen that they would speedily feel that this subject must be attended to. At all events he would not fail to attend to it: for he was not one of those who could be sunk or broken down by the desertion or inconsistency of any set of men.—Reverting to the subject to which he was about to attract the notice of the house, the hon. member remarked upon the equivocal character of these frequent claims upon the Nabob of Arcot. A great deal of such claims had been already paid. After the payment of several millions (five or six), it was naturally supposed that no more debts were to be heard of. But still some pretended creditors started up. If such pretensions were attended to, he really believed that the whole revenue of the Carnatic would be insufficient to answer them; and if not, then they must come upon this country. He therefore cautioned the house to pause upon a transaction, of the character of which scarcely any one who heard him could be wholly ignorant; for every one must remember something of the Nabob of Arcot's debts; it was a tolerably notorious topic. That distinguished statesman, Mr. Burke, had many years since very properly stated his opinion, that a combination of evidence served to shew that sums had been distributed for a course of years, in the name of the old Nabob of Arcot, to the servants of the East-India company, in a most scandalous manner, and that there was strong reason to suspect that most part of the debts demanded were wholly fictitious. And that great orator shewed that, even if these debts were really due, they were, from their amount, calculated to excite alarm, as the affairs of the company were so distressed, as to be unequal to their liquidation. This the house

he should merely observe, that he had prepared a bill for the relief of that description of persons, which was framed in the same manner as former bills of that nature. He intended to propose, that the bill should be printed, and that it should be read a second time as soon as possible after the prints were ready. His lordship presented the bill, which was read a first time, and ordered to be printed. On the motion of the noble lord, several accounts were ordered of the number of persons confined for Debt in different prisons.

HOUSE OF COMMONS.

Wednesday, April 16.

[MINUTES.] Lord Temple brought up a petition from Mr. Lyon, the agent for the island of Jamaica, against the bill to prevent the Importation of Slaves into such of our colonies and settlements in the West Indies, as have been surrendered to his majesty during the present war. His lordship said, that the petition had been put into his hands, and he therefore thought it advisable to present it; but he begged it to be understood, that in so doing, he did not pledge himself at all on the subject matter of it. The petition was ordered to lie on the table till the second reading of the bill, and that the petitioners should be heard, by counsel, against the said bill, if they thought fit.—Mr. Mitford, from the exchequer in Scotland, presented an account of Grants made out of forfeited Estates in Scotland, and the Balances due out of the same. Also, an account of all Malt chargeable with duty in Scotland.—On the motion of Mr. Vansittart, the house resolved into a Committee of Supply, in which the usual Annual Votes for Miscellaneous Services were agreed to.—The house having resolved into a Committee of Ways and Means, Mr. Vansittart, with a view to the object of which he had given notice yesterday, namely, that of making a proportionate Addition to the Duty upon East and West India Sugar, moved, that an additional Duty of 1s. per cwt. should be imposed upon East-India Sugar imported. And also, that upon the exportation of the same, a drawback should be allowed of equal amount.

[DEBTS OF THE NABOB OF AR-
COT.] Mr. Francis, pursuant to his no-
tice on a former day, rose to bring forward
his motion for the production of papers
respecting the Debts of the Nabobs of Ar-
cot. But, before he proceeded to intro-

duce his motion, he begged the hon. gent. behind him (a question or two, the an might probably save some appeared that an agreemer tered into between the din dia company and the cred bob of Arcot, in consequ commission had been appoi to know who were the pers commission, and by whom paid? Not having been al house on Monday, when t whom he referred, brought he was under the necessity more information upon t perhaps other gentlemen wished to hear it account hon. member should have to bring forward this meas as he understood him to he accepted the office very but yielded to the importu

Mr. *Hobhouse* said, it was the hon. gent. should be satisfactorily informed upon. The hon. gent. had not been he had first stated his moved for leave to bring present question would not be necessary. The commission consisted of three persons; *Mr. Hobhouse*), a *Mr. Horner*, named in consequence of *Mr. Ryder*, having withdrawn from the commission, and *Mr. Cochrane* was a gent. conversant with the latter an old servant of the company, and much experienced in the affairs. With respect to their appointment, it was the directors of the East-India Company's current account with the creditors to their remuneration, it was according to the habit of commissions, namely, of *tantum meruit*, when the business was gone through. Hoping that to the hon. gent.'s question was satisfactory, he had only to say that if the papers for which the move were of the nature of a debt, he was not to be taught to understand, his meeting on his part, no resignation.

Mr. Francis thanked the very candid and satisfactory answers which had been pleased to give. He confessed, that from which he had just received

of the house. Why it should have its way into the house at all, but still why it was entertained, why it obtained a footing, he could account for on satisfactory ground. Perhaps it was to the operation of interest, but sure that there was something very like chance about it. For himself, he affirmed that he never had an idea that such proposition was in contemplation until he heard of the notice, just before the passing of a motion for leave to bring the bill. He knew nothing of a committee sitting upon the subject, and there were many others as well as he, whom the edge of that circumstance had escaped until the time he alluded to. Then, as to the subsequent proceedings of the hon. gent. The very day after the report, the first upon which the report of the committee was deliverable, the hon. gent. came forward before the house (Mr. F.) and ventured to say, five members of the committee had read the report, and proposed a resolution grounded upon it. This mode of proceeding no one could deny to be rather extraordinary, upon a subject particularly of great importance. To obtain a little delay in deliberation as to a circumstance gentlemen were much mistaken if they supposed of inconsiderable interest, the motive which induced him to call the attention of the house to the motions which he meant to conclude. That the presidencies in India were in great distress, was notorious. The house had the authority of lord Cornwallis for believing the presidency of Madras was most severely embarrassed; and that this, with other presidencies, was running in debt, so that as money could be had to borrow. These general distresses, however, he did not at present propose to enter, nor did he go into any discussion about the distressed state of India. But he would confine himself to the particular object he had in view, which, he wished it to be understood, had no connection with any other business respecting India, which was before the house. Lord Wellesley had, he believed, nothing whatever to do with it. He referred principally to a consideration of

the duty to examine every claim upon the sources of that company. He lamented that more of his majesty's ministers were not present at the discussion of a question of this nature, and that those who were present did not give to the question the attention which it deserved—(there was at the time some conversation upon the subject from the opposite bench). Still, however, he would persist in his purpose; and he promised the gentlemen that they would speedily see that this subject must be attended to. In all events he would not fail to attend to it, for he was not one of those who could sink or be broken down by the desertion of a single member. The inconsistency of any set of men.—Returning to the subject to which he was about to attract the notice of the house, the hon. member remarked upon the equivocal character of these frequent claims upon the Nabob of Arcot. A great deal of the claims had been already paid. After the payment of several millions (five or six millions) it was naturally supposed that no more claims were to be heard of. But still some of the intended creditors started up. If such claims were attended to, he really believed that the whole revenue of the Carnatic would be insufficient to answer them; if not, then they must come upon the country. He therefore cautioned the house to pause upon a transaction, of the character of which scarcely any one who had been in India could be wholly ignorant; for every one must remember something of the Nabob of Arcot's debts; it was a tolerably notorious topic. That distinguished statesman, Mr. Burke, had many years since very properly stated his opinion, that the combination of evidence served to show that sums had been distributed for a considerable number of years, in the name of the old Nabob of Arcot, to the servants of the East-India company, in a most scandalous manner, and that there was strong reason to suspect that most part of the debts demanded were wholly fictitious. And that great orator shewed that, even if these debts were really due, they were, from their amount, calculated to excite alarm, as the affairs of the company were so distressed, as to be unequal to their liquidation. This the hon.

would recollect was in the year 1784, when the situation of the India company was almost prosperity itself, compared to what it was at present. But even then, as Mr. Burke remarked, the company's servants were in affluence, while the company itself was very much embarrassed. Yet although such was the case, although the company's servants were possessed of no less than 10 millions, still their claims of three millions of debt upon our subsidiary princes were paid off by order of the board of controul, against the strongest remonstrances from the court of directors, seconded by the opinion of lord Macartney. This served to shew what might be done through the interest of individuals, notwithstanding this distress of the company's affairs; and as bearing very closely upon the present question, he requested gentlemen to look at the speech of Mr. Burke, to which he referred, and which, independently of its relevancy upon this occasion, must be read with pleasure by every man of taste; for certainly among all the productions of ancient and modern eloquence, nothing could be found worthy to be put in comparison with it. The hon. gent. advertng to the bill in progress through the house, observed, that it was not accompanied by any specification whatever of the amount or nature of the debts to which it was meant to apply. This specification it was his wish to obtain. Seeing that so many millions had been already paid on this score, and that the more these claims were paid, the more they seemed to grow, he desired at once to ascertain their precise extent; that knowledge attained, questions would then arise whether such claims were made by *bonâ fide* creditors or not; whether any, and which of them, should be paid; whether, in a word, under all the circumstances, that money should be granted to such claimants which ought to be applied to the support of our army and navy? That no equitable demands were to be found among those brought forward, he was not prepared to say. But, before any were acceded to, the house should be made acquainted with the whole amount. It would be unsafe to proceed without such knowledge, for if a comparatively small sum were at first granted, it would be difficult to say how far the house might be led upon the principle of that grant. It might not be known when to stop, and therefore he thought it best to make a stand *in limine*. The hon. gent. took occasion to appeal to the house and the country of assistance he had expected who ought to be forward to support his endeavours in investigation of the affairs of this instance particularly for whose presence and had a right to look; among respectable member for Ireland (Mr. Smith), whom he did not place, and from whom information could be had upon India. There was another person whose aid he expected—he meant the Treasurer (Mr. Sheridan). In the absence of that right honourable man, he only expressed the wish of the house. He lamented for many reasons, but in account of the loss which it sustained in consequence of this, he particularly wished that this was more frequently visited that house, and as he had of seeing him there or elsewhere, that his wish would be carried out, and induce him to attend the right hon. gent.'s becoming not to deprive that advantage and pleasure which were capable of affording him, unfortunately, for a but very seldom seen the tenance. But it was to such absence would not he could not suffer himself that that right hon. gent. would advocate the cause of justice and his feelings were attached to that cause to render his powers to serve it were not. For he would not volunarily of that right honourable man could yet be burned out. His sincere regret for the loss of Mr. Sheridan, because he highly valued his talents and integrity, and the much value his assistance, concluded with moving amendments which have been proposed by the creditors of the Nabobs of the passing of the act of present majesty, contain the individuals to whom, count, the same have been periods when the debts were paid, and distveral classes of debts call

bits, the cavalry loan, and the consolidated debt of 1777; and also distinguishing the principal of the said debts from the interest claimed or accruing thereon." This he thought the more necessary, as it appeared from the speech of the noble lord opposite to him (lord Castlereagh), which was afterwards published by him, (see vol. p. 1158.) that the interest-money had been converted into principal, which was the principal cause of the great increase of the debt.

Mr. *Paull*, in seconding the motion, cautioned the house to beware how they sanctioned the principle upon which the bill of the hon. gent. (Mr. Hobhouse) was founded, as, if that principle were established, claimants would, no doubt, immediately come forward for above 3 millions, alledged to be due in the same way from the Nabob of Oude and other native princes in India.

Mr. *Whitshed Keene* seconded the motion; he said, he believed he could be able to throw some light on the causes which led to involve the Nabob of the Carnatic in such embarrassments and claims of debt from the company's servants. Having the honour of an early and long intimacy with lord Macartney, who was, at one time, sent out as governor to Madras, that noble lord, after his return to Europe, had told him, that he had scarcely reached the seat of his government 24 hours, when he received a message from the Nabob, requesting to see him: the noble lord accordingly paid an immediate visit, and was astonished to find it was for the purpose of being presented by the Nabob with a sum of money adequate to 30,000*l.* with proportionate tenders to the officers of his suite. Lord Macartney expressed much astonishment, and declined accepting the money, at the same time wishing to know the motives that induced such an offer: he was told by the Nabob, that it was quite a customary present to every new governor; had never been before refused; that there was no violation of propriety whatever in accepting it; and the offer was repeated, with a pressing request to take it, as it was considered a proper compliment to the head of the British Government, whom, ever since the taking of Pondicherry, he considered as his protector against the French. Lord Macartney, however, still persisted in his refusal, assuring the Nabob, at the same time, of his determination to render him every service and

protection in his power, as earnestly if he had accepted his present, what was the result of this generous, right, and exemplary integrity and independence of that noble lord to him? Why, that his conduct was every where probated and reviled by the servants of the Company, and every pains taken to slander, misrepresent, and vilify him, venturing such an innovation upon a system they had so long established; lord Macartney resigned a government which he felt untenable, consistently with the feelings of a man of honour. Had hon. gent. heartily approved the system of investigation so earnestly recommended by the hon. mover, and observed, that, though it might visit with compunctious feelings the bosoms and apprehensions of some men, who had, by a corrupt abuse of their mission in India, amassed rapacious enormous fortunes, those who had made honourable and upright use of their authority there, had no terrors to meet, nor qualms to be excited by the most scrupulous investigation: "Let the galled jaunt wince; their withers were unwrung."

Mr. *Hiley Addington* said, he had the slightest disposition to oppose the motion of the hon. gent.; on the contrary, he wished to grant him the papers he required. He was very glad to observe, that the hon. gent., notwithstanding the declaration he had a short time since made, that he would decline all farther interference with Indian questions, seemed of late rather disposed to promote investigation into India affairs. He rejoiced at the circumstance; because from the hon. gent.'s great knowledge and extensive experience upon India subjects he was certainly competent to throw valuable important lights upon such subjects, and bring them home with more effect to the attention of the house and the public, which might have the good effect of rendering the servants of the company in India less lax in their duties. But his purpose for rising now was, to set the hon. member right in his conception of the bill, the objects of which he seemed wholly to misapprehend. His hon. friend had not brought forward his bill with the precipitancy imputed to him, but had given fair notice of every proceeding with respect to it; and to his certain knowledge, the report upon which the bill was founded was delivered to members at their residence on the Friday before the bill was introduced. The bill was not a call on parliament to sanction

the claims of the creditors of the Nabob of the Carnatic, nor to appoint any commissioners: those commissioners had been already appointed between the parties at issue, namely, the directors and the claiming creditors; and the commissioners, with an earnest view to the strict ends of justice, had been desirous of examining the parties brought before them on oath; which, however, it was found they were not legally authorised to tender. It was suggested then, that the parties might be examined upon their voluntary oaths; but, on consultation with eminent law authorities, it was found that this mode also was objectionable. The present bill, therefore, only called upon the authority of parliament to invest the commissioners with power to administer oaths for the purpose of their enquiry, and to render parties swearing falsely liable to punishment for perjury. It was not because the company wished any sanction from parliament to the authority of the commissioners to enquire, for to that they were already legally authorised, but with a view to procure for them such authority as should best tend to obtain that justice: not to evade the payment of debts justly due, but to separate just claims from fraudulent ones. The hon. gent. had said, his hon. friend had not voluntarily undertaken this business, but had been induced by importunity to bring forward this bill. It was certainly true, his hon. friend had expressed great unwillingness to interfere in this business, lest he should be deemed an interested party; but his known talents, good sense, and integrity, made it extremely desirable that a person of such a description should take an active part in the business, and he was induced by earnest entreaty to forego his scruples, and assume the part he had taken with so much advantage to the object proposed. In no instance had he betrayed the smallest inclination to precipitate the bill; on the contrary, he had set out with declaring his wish, that every member in the house should have the fullest information on the subject, and the fullest time that could be desired for considering it; and he was convinced, that if the hon. member now wished to postpone the further proceeding on this bill to a more distant day, his hon. friend would concur with the utmost pleasure.

Lord Ca
of the bill
the last

with a very considerable claims in this case, there enormous one of unjust, fraudulent claims; and it pose of enabling the Comm criminate, that the bill was discharge of the just debt ductive of important ad company, and it was, then to ascertain them, in ord settlement; and, with res prehensions expressed by ber, that those debts might claims upon parliament, t founded. The debts wen the revenues of the Carn those revenues annually pi interest, would go to a wards clearing off the prin that was paid off, the whole revert to the company.

Mr. Serjeant *Best* observed for the settlement of consideration, was so cont out the prospect of doing thing, for those who had e and of doing too much claims were fraudulent. I mands under consideration tended, completely illegal, to sums lent against a pos liament.

Mr. *Hobhouse* said, that ment made by his right l H. Addington) it was sc for him to animadvert upo ferred against him, as a co having introduced this m ment. The explanation hon. friend had given, he be satisfactory to the hous should be at his ease.—T ever, another accusation t gent. (Mr. Francis), again was impossible for him to lence. He had been accu this measure, and endeavo house by surprise. The ho that the printed report and delivered to the member ment before the subject Monday last. Here the hon a mistake. They were deli ses of the : : : : : ing in the : : : : : were sh

to contribute any thing towards the perfection of it. However, finding also that the house was called upon to declare the provisions of this bill, according to the opinions of the twelve judges; he thought it right that the provisions should be made as much as possible to correspond with those opinions, as they were delivered. The judges by no means laid it down as an universal proposition, that witnesses were bound to answer all questions, to criminate themselves. They all admitted that there were exceptions, and therefore he did not think the legislature should interfere, so as to establish a rule, which does away all exceptions. He did not know that they had stated any particular cases of exception, and he could only conceive them to have meant, that a man was not bound, in courts of law, to answer questions against which he would be protected in a court of equity. What he wished, therefore, was, to leave the discretion of the judges in a court of law, the same as it would be if no such bill existed, and authorise them to afford the same protection to witnesses, as would be allowed them in a court of equity. For this purpose he moved, a proviso, "that nothing in this act contained should preclude a witness from objecting to such questions as he would not be called upon to answer in a court of equity; nor preclude the judge from deciding on the validity of such objections."

The *Solicitor-General* (Mr. Romilly) said, that he had so high a respect for the opinion of his right hon. friend, that it was with great unwillingness he felt himself obliged to dissent from him on the present occasion. The great objection he had to this proviso was, his conviction, that the rules of evidence at common law could not be reversed, or remedied, by the authority of any court of equity, neither were they, in fact, determined even by the statutes. No judge, in a court of common law, would allow a witness to state, as an objection to a question, that he would not be compellable to answer it in a court of equity. He saw not the least necessity whatever for this proviso, which might occasion the bill to be thrown out in another house. This bill would not oblige a judge to compel a plaintiff to prove that the debt he sued for was an unjust one, nor would a court of equity compel a man to disclose a forfeiture of his estate by a breach of contract; but the same rules were not applicable to courts so distinct. At *Nisi*

Præ, the judge must, of necessity, take upon him to decide on a sudden, what, in a court of equity, might turn out to be a matter of great nicety, and requiring mature deliberation. Upon these, and various other grounds, he opposed the proviso, as being totally unnecessary.

The *Attorney-General* said, he gave his right hon. friend, who spoke last, full credit for having the very best intentions; but, though the bill originated in another house, which was itself the supreme court of judicature in the kingdom, and, of course, attracted the attention of the highest and most distinguished law authorities in the country, he could not help feeling, that it was capable of being predicated of the bill, that, in its present shape, it did not declare what was, in fact, the opinion of the twelve judges, who all admitted that there were exceptions to the general rule. He was, therefore, in favour of the proviso; for, as the law would stand according to the present bill, the judge would have no discretion, but be obliged to compel a witness to disclose every thing. A man, for instance, may hold an estate by a defective title, of which he had no notice when he gave a valuable consideration for it, but by this bill, the judge could leave him no alternative, but compel him to disclose, upon oath, that defect, which would, at once, reduce himself and his family, perhaps, from affluence to a workhouse. The laws of evidence, in courts of justice, were not the same now as at the time of the Crusades to the Holy Land, from which period, he believed, they took their date; for, during the space of 30 years that lord Mansfield presided in the court of king's bench, he established a variety of rules which were not in use before, and subsequent chief justices had followed the same precedent. Upon full consideration, he was satisfied, that if the bill were not qualified in the manner now proposed, the judge could do nothing in such cases; and bound, by a declaratory law, could not even listen to any just objections relating to the effect which evidence may have in any civil suits to be afterwards instituted.

The *Master of the Rolls* said, that his learned friend (Mr. Romilly) certainly possessed, in a very eminent degree, the faculty of expressing himself with great accuracy, as well as fluency; but notwithstanding these advantages, he must confess, that with all the attention in his power to give to his observations, he could not

the court of directors. The interfering in the business originally, was very far from being a favourite with the directors, and if they could, they would have had nothing to do with it. They only believed that there was actually something due to the creditors, and all their wish was that this should be paid. Such was the object of the bill. That it could have the effect of making a rise in the value of the debts, he could not conceive. The very reverse must have been the case. It reduced the annuities at the outset, to the one-half, by making the interest 6 instead of 12 per cent.; and the principal must have experienced a proportional depreciation.—The motion was then put and agreed to.

HOUSE OF LORDS.

Thursday, April 17.

[AMERICAN INTERCOURSE BILL.] Lord *Auckland*, in moving the order for the 2d reading of the bill upon this subject, briefly adverted to the circumstance of a noble friend of his, then absent, who would reserve his sentiments upon the subject for the committee. He would therefore move, "that the bill be now read a 2d time."

Lord *Hawkesbury* did not mean to oppose the motion, particularly as he understood from his noble friend, that it was intended to render the prospective part of the measure, or rather that which was thrown out on a former evening, as intended, by means of an additional clause, respecting the discretionary powers to be vested in the governors of the islands, the matter of a distinct and separate bill. Respecting this very important consideration, however, which involved topics of the greatest consequence to the commercial interests of the empire, he had it seriously to recommend it to the attention of ministers, that under the circumstances, it was preferable to postpone the discussion of that part of the subject till the next session. This proceeding would not only not operate injuriously, but not be productive of any inconvenience. His lordship pressed this point upon the serious consideration of ministers, and adverted to the importance of any topic which so deeply involved the commercial concerns of the country, and its navigation laws, as that to which he alluded.

Lord *Auckland* shortly expressed his opinion, that his noble friend seemed to misconceive what had fallen from him.

Lord *Holland* made a few remarks on the

occasion, and seemed to enter into the idea with his noble friend. He had a misconception of the noble friend's meaning. With the latter, he conceived the subject adverted to was one of great importance, and that full consideration ought to be allowed noble friend to make up their subject. However, he did not think it necessary to postpone the subject till the next session; for on day next, it was his intention to bring forward a bill to the effect of the consideration of which he intended to read a second time, he certain full and sufficient time.—The bill was then read a 2d time, and com-

HOUSE OF COMMONS.

Thursday, April 17.

[MINUTES.] A new bill was introduced for the borough of Kinsale, in the room of Samuel C. Esq. who has accepted the bill. —Mr. Francis, proposed the reading of the bill for the extension of the commissioners for Debts of the princes of the blood to throw it out, in the way of a notice, that he thought proper for the members who were of the legal profession to give an opinion, what construction of the act of directors of the East-India Company, a right, by law, to delegate which they were invested in the commissioners or any other motion of sir P. Stephen into a committee on the discovery of the Longton granting 10,000*l.* for the act was agreed to. —Sir J. Sinclair, a committee to examine into and report already made payable on the Estates in Scotland, as relating thereto.

[WITNESSES' DECLARATION.] The house having resolved itself into a committee on this bill,

The *Master of the Rolls* stated what had passed upon a bill which he had reason to expect would be obviated; and even found it to be so intended, having declared his opinion was quite unnecessary,

to contribute any thing towards the perfection of it. However, finding also that the house was called upon to declare the provisions of this bill, according to the opinions of the twelve judges, he thought it right that the provisions should be made as much as possible to correspond with those opinions, as they were delivered. The judges by no means laid it down as an universal proposition, that witnesses were bound to answer all questions, to criminate themselves. They all admitted that there were exceptions, and therefore he did not think the legislature should interfere, so as to establish a rule, which does away all exceptions. He did not know that they had stated any particular cases of exception, and he could only conceive them to have meant, that a man was not bound, in courts of law, to answer questions against which he would be protected in a court of equity. What he wished, therefore, was, to leave the discretion of the judges in a court of law, the same as it would be if no such bill existed, and authorise them to afford the same protection to witnesses, as would be allowed them in a court of equity. For this purpose he moved a proviso, "that nothing in this act contained should preclude a witness from objecting to such questions as he would not be called upon to answer in a court of equity; nor preclude the judge from deciding on the validity of such objections."

The *Solicitor-General* (Mr. Romilly) said, that he had so high a respect for the opinion of his right hon. friend, that it was with great unwillingness he felt himself obliged to dissent from him on the present occasion. The great objection he had to this proviso was, his conviction, that the rules of evidence at common law could not be reversed, or remedied, by the authority of any court of equity, neither were they, in fact, determined even by the statutes. No judge, in a court of common law, would allow a witness to state, as an objection to a question, that he would not be compellable to answer it in a court of equity. He saw not the least necessity whatever for this proviso, which might occasion the bill to be thrown out in another house. This bill would not oblige a judge to compel a plaintiff to prove that the debt he sued for was an unjust one, nor would a court of equity compel a man to disclose a forfeiture of his estate by a breach of contract; but the same rules were not applicable to courts so distinct. At *Nisi*

Prius, the judge must, of necessity, upon him to decide on a sudden, what a court of equity, might turn out to matter of great nicety, and requiring mature deliberation. Upon these, and various other grounds, he opposed the proviso being totally unnecessary.

The *Attorney-General* said, he gave right hon. friend, who spoke last, full credit for having the very best intentions; though the bill originated in another house which was itself the supreme court of judicature in the kingdom, and, of course attracted the attention of the highest and most distinguished law authorities in the country, he could not help feeling, that he was capable of being predicated of the bill, that, in its present shape, it did not decide what was, in fact, the opinion of the twelve judges, who all admitted that there were exceptions to the general rule. He was therefore, in favour of the proviso; for, if the law would stand according to the present bill, the judge would have no discretion, but be obliged to compel a witness to disclose every thing. A man, for instance, may hold an estate by a defective title, of which he had no notice when he gave a valuable consideration for it, but this bill, the judge could leave him no alternative, but compel him to disclose, upon oath, that defect, which would, at once reduce himself and his family, perhaps from affluence to a workhouse. The laws of evidence, in courts of justice, were not the same now as at the time of the Crusades to the Holy Land, from which period, he believed, they took their date; for, during the space of 30 years that Lord Mansfield presided in the court of king's bench, he established a variety of rules which were not in use before, and subsequent chief justices had followed the same precedent. Upon full consideration, he was satisfied, that if the bill were not qualified in the manner now proposed, that a judge could do nothing in such cases; an unbound, by a declaratory law, could not even listen to any just objections relative to the effect which evidence may have in any civil suits to be afterwards instituted.

The *Master of the Rolls* said, that his learned friend (Mr. Romilly) certainly possessed, in a very eminent degree, the faculty of expressing himself with great accuracy, as well as fluency; but notwithstanding these advantages, he must confess, that with all the attention in his power to give to his observations, he could not

comprehend whether he gave it as his opinion, that after this bill should pass into a law, the judge would have the same discretionary power in these cases, as he possessed at present. If that were the true construction of the bill, he should not persist a moment longer, nor have any objection to withdraw his motion, which would be rendered unnecessary, if the judge were not bound to decide according to this law. If the house should think proper to do so, he should feel no reluctance to referring this bill, in its present form, to the twelve judges, and call upon them to say, whether it were declaratory of their opinions? For his own part, he could not find the rule so much insisted on, in any of the books of law, except in cases where it had a reference to the proceedings of a court of equity; neither did he know of any authority on which the judges could have been induced to ground their exception, except that of a single case, to be found in the Reports of lord chief justice Parker. The case he alluded to was, that of *M'Queen v. Newman*, in which it was held, that a witness was not bound to answer any questions, against which he would be protected in a court of equity. Lord Mansfield, through a long course of years maintained the same doctrine; but his successor, lord Kenyon, denied even the existence of the rule. The same judge, however, in a case of an arbitration, which afterwards failed, decided on the trial of the cause in court, that the party was not bound to disclose any compromise he might have offered to make, under the circumstances of the arbitration. But however these decisions might occasionally have varied, of this he was positively certain, and ready at any time to maintain, that according to the genius and principles of the old law of England, a witness was no more compellable to confess a debt than he was to confess a felony. Were it otherwise, the consequence must be, that in a civil suit, a man might be obliged to disclose a former transaction, in which he was guilty of perjury, the effect of which might be to ruin him in his circumstances; in many cases, even to affect his life. In treating of this subject, in his Commentaries, Blackstone observed, that the law was different on both sides of Westminster-hall; for that the court of chancery decided one way, and the court of king's bench another; but he continued to say, that he felt himself at a loss to determine how this variance could be reconciled to the common sense of man; however, very far from agreeing to this observation of Blackstone; for, to carry it into effect, it would tend to distinction between courts of law and equity. The apprehension heretofore upon this subject, that the courts of law might one day be as far as a court of equity, of the bill would be, taken much farther. As far as the subject, no law yet passed on a defendant the necessity that his demand was not more than a man who had no money, he could enforce a claim by the oath of the plaintiff, and a full disclosure, and a fine to him to the penalties of giving evidence against a party, which he believed was not in the judicial or municipal law of any country. So far with us, that in all cases where judges were in the habit of swearing against making admission of any evidence which might subject themselves to punishment by the law of England, until the reign of William, when it was even in actions of trespass and amercement, for not doing what was writ; but no attempt was made in former times, to exact from a witness a confession of that which would subject him to a punishment by the general rules of evidence, were not governed by any analogy with the practice of the courts of equity; for during the reign of Henry VIII. no such distinction of chancery was ever known in England. Another bad consequence, in his opinion, result from the bill now proposed, which was the purpose of enforcing it, must, before their decision, be acquainted with the practice of the court of chancery, conversant with it must be learned in that court, and made the rules of common law conformable to those of equity, was not recognised, or even at the time that these rules were established. For all these reasons, the objections offered, to the bill, it should be proved that it was unnecessary,

The *Solicitor-General*, in reply to what was asked by his right hon. and learned friend, in one part of his speech, was happy in being able to declare to him his decided opinion, that after this bill should pass into a law, the judges would be as much at liberty to protect a witness from any disclosure, by omission of the conditions of forfeiture, or any defect of title to estates, as they would be, if there were no such law in existence. He would not presume to state, that the ingenuity of some gentlemen might not devise a case, but his imagination was incapable of forming to himself any, in which a witness, if questioned as to any defect of his title, might not answer, under the sanction and protection of the court, "I do not think myself obliged, and therefore will not answer any question, the effect of which may be to deprive me of my estate." In considering the opinions as delivered by the twelve judges, he did not find that there was any one of them who stated, that the rules of evidence in courts of law were to be governed by any reference whatever to those of equity, but that they all maintained a contrary doctrine. As to the necessity of this declaratory bill, he said it arose from the uncertainty which prevailed upon the subject, from the sentiments expressed by some of the judges; and he considered that necessity to be increased by the authority of his right hon. and learned friend (the master of the rolls), who seemed to concur in the opinions of the minority. It was some satisfaction, however, to reflect, that, to the 8 judges, whose opinion was in favour of the obligation on witnesses to answer such questions as might afterwards subject them to civil process, were to be added the authorities also of the present and late lord chancellor: so that of the persons who must be considered as best qualified to decide, there were 10 who maintained, that witnesses could not protect themselves from answering such questions, against only 4 who seemed to hold a different opinion.

Mr. *Perceval* said, he thought it would be much better if the bill had not been brought in, and very much to be desired that it should not pass. It was a great pity the other house did not put the question to the learned judges, in order to know precisely, what the exceptions were to which they alluded in their several opinions. Instead of this, as he had been informed, a similar proviso to that now un-

der the consideration of the house, introduced in the lords; and after considerable argument, negatived; and they send it down to this house, and then into the dilemma in which they found themselves. It was evident, that attorney and solicitor-general were directly at variance on the point, and therefore thought the bill ought not to proceed, especially as it was, in his opinion, altogether unnecessary. Certain he was, that it would be better the proviso should stand, than that the bill should pass without it, as it was the only mode that could, with propriety, be adopted, to get rid of the objection.

Mr. *Secretary Fox* said, it had been a particular wish to hear the opinions of learned gentlemen of authority, before he rose to say any thing on the subject, and having done so with the utmost attention, he could not but say, that he differed entirely with the learned gentleman who spoke last, who had certainly delivered his sentiments with great force and perspicuity. He was, for his own part, after every consideration he had been able to give to the subject, decidedly in favour of the bill; but he agreed entirely with his learned friend near him (the solicitor-general), that it ought not to pass with the proviso.

He thought, at the same time, that what the bill declared, was not the precise opinion of the majority of the judges; but what had been said in the course of the present debate completely convinced him, that the bill ought to pass; for when there was such a great difference in opinion among men of such high authority as the judges, and among gentlemen so learned in both theory and practice, as the right hon. gentleman (the master of the rolls), as well as the other learned gentlemen who had delivered their opinions on the subject, he thought it was high time the law should be made clear, and no doubt left remaining on the subject. He observed, that great stress had been laid on the words used by the learned judges in delivering their opinions, namely, that in speaking to the point in question, they say, "generally," or, "generally speaking," a man is compellable to answer; though he may, by so doing, render himself liable to a civil suit. He could not suppose they meant otherwise by the words "generally speaking," than that he was compellable to answer, leaving it to be determined by the judges, whether a civil suit were of that nature as to ought to bring him within any of the exceptions.

but if the opinions of eminent military men were thus at variance, it was a still stronger argument to prove the necessity of extreme caution on the part of the house, how, at a moment like the present, it should be induced to adopt the principle which must change the whole constitution of our army, for the sake of an unnecessary experiment, which must be extremely hazardous to the interests of the service, and pregnant with the greatest danger to the country. He understood the objections against his motions were, that the documents for which he intended to move, were considered as confidential communications which ministers could not disclose without a breach of their duty. The same kind of answer might be opposed to any other motion for documents, the correspondence of an ambassador, the terms of a treaty, or, in short, any other paper parliament might deem necessary for its information. But if his majesty's ministers did not chuse to communicate the information he required in the form he proposed, he should hope it would be laid before the house in some other shape; suppose that of a report, or that they would not object to the examination of those officers at the bar of the house. For surely it was of high importance, when the house was called on to enact a principle so revolting to the established usage of the army, to have for its guidance the opinions of military men who had themselves commanded regiments; who had lived amongst their soldiers; who consequently knew their habits, their sentiments, and feelings, and were therefore competent to advise what was best to be done; instead of taking the opinions of young generals, who had not an experience of similar intimacy with the soldiers; and who, though no doubt, at a future day, they might contribute, by their prowess, to the honour of the service, and the glory of their country, had not yet sufficient experience to render their opinions very decisive on a subject of this delicate and important nature. Though the opinions of many general officers were given on the subject, there were others of great experience, whose opinions, if they were asked, by some accident were not communicated. Among them were, lord Cathcart, lord Hutchinson, and general Prescott. But he hoped, the right hon. gent. would not think of proceeding to the conclusion of his plan, without taking the opinions of all military officers of experi-

ence in the kingdom. Th concluded by moving, so Military Opinions in writ been given, in consequen from his majesty's govern ject of recruiting the an enlisting for a term of yet

General *Walpole* said, t answer to the argumen hon. gent., that the p listing soldiers, in-genera nial service, for limited a was new to the British contrary, so far from be neither unusual nor un been done in the seven-yr been done in the America were enlisted for a term and the number of men adoption of this measur what had been raised p could not therefore see there existed for calling t subject, the merits of whi ready decided by experien

Mr. Secretary *Windham* the impatience of the right night for the production which he moved for, was piece with the eagerness vailed on other points, w ticipate the premature di jects not before the house to which the motion and the right hon. gent. that ted, was not before the h it should be brought for should certainly have th those opinions to which th had alluded. He was, h surprised that the right k speech on the subject, had anticipate some part of the to be urged against his me sidering the tenacity of g other side of the house, t producing papers moved were in office, the endeat production of those docu that night, was rather as to place his majesty's mi awkward and unpleasant right hon. gent. must certi however it might be the a to comply with the motio for the production of doc possession, in order to th tion of the house, yet, t often papers which thou

rel it their duty to keep back; and, though the inference drawn by the right hon. gent. on the present occasion was not a just one, yet it might be, that the papers now to be withheld, were so withheld against the inclination and wishes of his majesty's ministers. For his own part, however, he would candidly own, he made no such sacrifice, having no wish on the subject, one way or the other. But though, for the reasons he should hereafter state, he might deem it necessary to withhold those papers from the right hon. gent., he could assure him, so far from being decisive in favour of his ideas, that, in point of number and authority, they were so much at variance, and the balance so evenly poised, that it was difficult to decide which way the preponderance prevailed; but, upon the whole, he thought it rather in favour of the principle of limited enlistment. There were received the opinions of 14 military officers; 6 were rather in favour of the right hon. gent.'s opinion; 7 decidedly in favour of his own; and one might be held disputable: but he thought the claim for authority lay on his own side. These opinions were applied to three distinct points, as to the probable operation of the principle: 1st, as to its effect on enlistments; 2dly, as to its effect on discipline; and 3dly, as to its effect on colonial service. Now, 3 out of the 6 who favoured the opinion of the right hon. gent. thought the principle would have no injurious effect on the service, and that it certainly must operate to increase recruits: others said, it was impossible but it should produce some advantages, and must certainly give to the army a better order of men: some, again, said it was inexpedient; and others, that it should not be tried in time of war. This, then, being the state of opinions on each side, the house would judge whether his majesty's ministers could have any other possible motive for withholding those documents, than a sense of duty; besides, what advantage could they have in withholding them? or of what use could they be to the house if they were promulgated? for they could only prove that military men, equally respectable in authority, differed in opinion on the subject. It was not a very pleasant thing for ministers to be called on publicly to communicate the confidential opinions of military officers, privately given for the information and guidance of the commander in chief, as to the best probable means of increasing

the public force; and though certain great occasions might occur in which a delicacy might be overruled by the urgent necessity of the case, yet he did not conceive the present an occasion called for such a communication: would it be the most candid or the most prudent treatment of those military officers to publish to parliament and to the country without their consent, or any information to them of such a purpose, the private confidential opinions so given. Such a procedure might have a very serious effect upon the future communication between military officers and their command chief, on other occasions, and might be productive of very disagreeable consequences, and was certainly not desirable for adoption, when not absolutely necessary. Beside, even if the letters were laid before the house, it would only lead to a comparison of opinions and authorities, extremely unpleasant to gentlemen on both sides; neither would it give the house a single fact or opinion, that it did not already have, and which had not already been urged on both sides of the question. It was, then, worth while, for the sake of the advantages the house could possibly derive from the production of those papers, to forego such obvious objections as he had stated? The same objections would apply to the project of calling military men to be examined at the bar of the house; every gentleman who might have a favourite general, upon whose talents he built his own reliance, would start up to his place, reject all other authority, and ask why he was not consulted? The right hon. gent. had made some allusion to young and unexperienced military commanders: he knew not whether he had any particular individual in his eye; but certainly it was not upon the opinion of two, or three general officers, that a measure was founded, but upon the principle of general consultation, and a preference given to individuals, as to the artisans who had served their apprenticeships to the art and mystery of recruiting. But, if there were no other reason for the difference of opinion which had already been evinced by military men, those reasons were sufficient to justify him in opposing the motion. As to the general principle of the measure, it was not before the house; and it would be enough to discuss that another day. He could not avoid remarking something

whimsical in the right hon. gent.'s alluding to a document, as an authority on this occasion, which was, in fact, no authority at all; namely, a detail of arrangements in the Austrian service. Hoping, however, that he had convinced the house of the imutility, as well as the impropriety of a compliance with the motion, he should now conclude by voting against it.

Mr. *Yorke*, in explanation, said, that the only reason why he alluded to the document respecting the Austrian service was, because the usages of continental service had been pleaded by the right hon. gent. in support of his plan.

General *Tarleton* was ready to acknowledge, that the principle of the right hon. gent.'s plan in theory, appeared fascinating; but he was of opinion that it was totally impracticable as to any useful effect: more especially for colonial service. The right hon. gent. had stated, that the opinions of eminent military men were at variance upon the question, and that 6 thought one way, and 7 the other. It was extremely necessary, however, for the house to know what were the nature and form of the questions proposed to these officers. The right hon. gent. admitted, the questions were privately put, and that the answers also were private and confidential; but it was extremely necessary to scan those opinions, and to compare them with the questions in answer to which they were given. For, when the right hon. gent. said that officers disagreed, he wished to know the mode of the questions put, as statesmen sometimes put questions to military men in a way to elicit an answer applicable to their own purposes. The right hon. gent. said, the answers were confidential, and that the promulgation of them to the house would excite jealousies. To this he would reply, then examine those officers at the bar; and if it was imagined by any man they were afraid or unwilling to have their opinions known, he must know little of that emulation which pervaded the breast of every military commander, and which was the life and soul of the army. But, with respect to the questions put to those officers, he shrewdly suspected they did not proceed from the horse-guards, as from the authority of the commander in chief, but from some of those civil-military gentlemen who had of late assumed the management of the army. With respect to the argument of delicacy in communicating the opinions received, he thought it

superseded by a paramount duty to the house and the occasion. He was willing to admit what had been said by an hon. general early in the debate, that recruits were enlisted towards the close of the American war for 3 years, or during the war; and he had no objection to take as many recruits as could now be raised upon the same principle; but from what he knew of the spirit of this country, he was convinced that not 1000 men extraordinary would be produced in 12 months, by enlistment for limited periods.

Mr. Secretary *Fox* observed, that the questions put to those military officers, and which produced those opinions, were not propounded by his majesty's present ministers, as insinuated by the hon. gent.; they had been put by the commander in chief during the continuance of the last administration, and the balance of opinion reflected great honour on that illustrious personage, as it shewed that he was desirous of obtaining fair and impartial information on the subject.

Lord *Castlereagh* said, he remembered some of those questions had been put during the administration of his right hon. friend; but he did not recollect that the answers communicated to them were given in such a way, generally at least, as to imply any thing secret. Two or three of them might, he said, have been marked on the covers "confidential;" and though he was ready to admit that great delicacy ought to be observed with respect to secret and confidential communications, if it should appear, upon a view of the contents of such communications, that they were of that nature, yet there was no other consideration in the present case which could justify the refusal of their production. Some few of those letters might have been written in a manner which shewed the writers never apprehended they would be made public: but the rest were written in a regular official form, as if intended to meet any purpose to which government should think it necessary to apply them. He should therefore advise, that those letters of a contrary description should be sent back to the officers who wrote them, in order for such correction as they might deem necessary; with a view to prepare them as documents for the public eye, if circumstances should render it necessary; and he also thought it would not be advisable to lay any of those letters before the house, contrary to the wishes of the officer

who wrote them. But he thought, however, it was necessary that their opinions should be laid before parliament, as well with a view to the satisfaction of the house, as for the vindication of his majesty's late ministers, by shewing that they had omitted no consideration, nor neglected any part of their duty, with respect to the great purpose of national defence. If they had not consulted a variety of authorities, and seen the various views in which the subject was considered by men of talents and experience, they could not have been enabled to form a decisive judgment upon a topic so extensive and complicated. But from what he had been able to observe, on a comparison of those different opinions upon the two distinct branches of service, local and general, he should deduce the preponderance of opinion quite different from what it had been stated by the right hon. gentleman. The noble lord considered the measure of enlistment proposed, as one of the most delicate and important that ever that house was called upon to decide; and he conjured the house to proceed with the utmost caution, in the novel situation in which his majesty's ministers now attempted to place it, by calling upon it to depart from the long-established principles upon which our army was constituted, and to dictate to, and restrict the crown, in the exercise of that prerogative, which constitutionally belonged to it, in the mode and management of recruiting the regular army.

Lord Henry Petty said, he felt a right to regard with some surprise the declaration of the noble lord, that he could see no objection to the production of the papers now moved for, when during 3 years past that this subject had so frequently been a topic of discussion, he had never thought the production of them necessary to enlighten the understanding, or guide the deliberations of parliament. An hon. general (Tarleton) had evinced much anxiety to learn in what form the questions were put, to produce those opinions: whatever it was, was not now very material; and from what had that night fallen in the course of debate, the house would see that the question did not arise out of any measure or proceeding now proposed. But whatever answers might have been produced, and however necessary the house might deem the opinions of military men, towards its own general information upon a topic of this sort, it was not probable if

would so far depart from the dignity of its own character, as to be guided implicitly and entirely by such opinions, as to what measures it should ultimately adopt; or that, surrendering or abandoning its own judgment, it would put the enacting question, aye, or no? to any military officer who might be examined at its bar, as to what measure that house might deem proper to enact. The noble lord seemed to think that the house of commons, in legislating regulations for the army, or limiting the duration of enlistments, assumed a power extremely new, and trenching unconstitutionally on the prerogative of the crown. But if ever there was a question on which the house could more properly, or ought more effectually to consider and legislate, it was this. Did the noble lord forget, that the power not only was not new or uncommon for the house of commons to exercise, but that it did actually, and of constitutional right assume and exercise it every year, in the passing of a mutiny bill? by which bill the army, for whatever length of time it might have been enlisted by the crown, could only exist from year to year, and must, *de facto*, be disbanded at the end of each year, if that bill was not renewed; and therefore the house in legislating for the army on this occasion, acted upon a constitutional right, which no man could now question. However necessary it might be thought to consult military opinions upon an arrangement like that proposed by his right hon. friend, he thought that the house, instead of being guided by those documents now called for, would act in a manner more becoming its own dignity, and more effectual for the public service, by exercising the judgment of its own members, taking the opinions, in a parliamentary way, of military men on both sides of the house, and consulting without doors the opinions of military officers in the circle of their acquaintance, and coming prepared, with the best information they could obtain, to discuss the subject fully.

Mr. Canning, in reply to what had fallen from the noble lord, said, that his friend, the late chancellor of the exchequer, had indeed, at one time, expressed himself in favour of limited service; but that he had afterwards satisfied his mind, that it was not expedient to bring forward such a measure, and, on that account, none of the opinions that he had caused to be collected were laid before the house. In the present

case, he should ask, was it not a proper course, in order to form a sound judgment on the subject, for the house to obtain the best information from persons, whose practical knowledge of the army rendered them better able to judge, than those whose opinions could only be formed on speculative grounds? He conjured the house to pause, before they sanctioned what would amount to a complete revolution in the military system, or adopted a measure from which, if it should fail, there would be no retreat. He could not frame to himself any valid objection to the present motion. All that was asked was, merely the possession of those means of information on which the hon. gentleman had founded his plan. Let the authorities and opinions be as numerous as was consistent with convenience, but let not the house be called on to decide before they have the means of forming a judgment. If it should appear, that the opinions of military men were nearly equally balanced on the subject, he should consider this as a sufficient reason for rejecting this new plan, and remaining as we were. It was dangerous to alter what was already well, and particularly by the adoption of a new project, the consequences of which it was impossible to foresee. It was amusing, he said, to compare the professions of ministers with their practice. The right hon. gent. concluded, by saying, that a story had been related by one of his majesty's ministers (lord H. Petty), on producing the budget, of an old Roman moralist, who had wished to build his house in such a style of architecture, that every person might see into it. Like this man's house, the transactions of the present ministers were to be; but he was inclined to believe, that the architecture of the house was not Roman but Gothic, and that it was only remarkable for its huge windows excluding the light, and for its narrow passages that led to nothing.

Lord De Blaquiere said, that every thing was of moment which branched out of this important subject, or he should have thought the present discussion scarce worthy of notice. It was with concern he differed with so many of his friends, but upon a point which had engaged his attention for the best years of his life, he could make a compliment of his understanding (slender as it might be) to no person whatsoever. It had been stated, that with a limited service, the army could not be supported; but he was of opinion, that,

without it, they could not be a sufficient force. The plan, treated as novel and hazardous, was no such thing. In 1759 to raise the 17th light dragoon regiment, he saw no law against raising them at that time, he raised them for their time was out, and the whole regiment, which was sent to Coventry; with the exception of a bounty of two guineas, afterwards enlisted them; they went to America, and fought the lions. Upon the great thing, it was his misfortune to be tired from what had gone down. Training men in the army, and leading them in array, and leading them in the province of the army, was the province of the army, for all movements of the army for annoyance or defence of the generals of the army, but for the purpose of leading that army, was by no means the province of the military officer, but of that resort, which was especially for the interference of those who were most acquainted with the statistical powers of the army, were best acquainted with whence these sources could be found, was the province not of the statesman; not of the statesman, but the counsel of state, house. It had been said at such an innovation (to be limited term) in time fatal to the empire. No. The farmer's son, or his my right bon. friend, per frenzy, or disappointment list for his life. He is told, his services are on years; will he refuse to this be called a military revolution, a plan which much more than any other has been devised, to add ranks, to cement a nearer connection between the officer, and to make the former, a state of comfort and comfort. The noble by saying, that there was the bill which he did not particularly the crooked 6d. a week.

Sir James Pulteney wished to say, that the bill was almost new to the house.

country, to see the opinions of persons conversant with military affairs laid before the house. He had thought much on the subject, and yet he was convinced he should derive much information from their communications. The practice of enlisting for a term of years had indeed been partially introduced into the army, but it had produced so little effect, as not to give much encouragement for its general application. Besides, though the practice was not new, yet there was a great difference between that partial enlisting for time that had already been tried, and a general enlisting for the whole army on the same principle.

Mr. *W. Dundas* was sorry to differ on this occasion from those gentlemen with whom he usually acted; but he could not consider the opinions that had been moved for, as proper for the public inspection. They had not been written for the purpose, or with the design of being communicated to the public. They were of a private and confidential nature; and besides that the publication of them might wound the feelings of individuals, the public service might suffer detriment from such a measure. Much might transpire, that might be calculated to do public mischief. But though he deprecated their being laid before the house in their present form, they might yet perhaps be revised by those who had originally given them in, and in that state, with their consent, submitted to parliament.

Mr. *Yorke* said, he had no objection, with the permission of the house, to withdraw his motion, provided his majesty's ministers would give the house to understand, that they would take the opinion of high military authorities, for the purpose of laying them before the house.

Mr. Secretary *For* stated, that this was quite another question from the one that had been before under discussion, and required time to consider how far it might be proper to assent to it. There was not a single instance that he was aware of, in which parliament had resorted to military authorities, except with a view to retrospective measures. If they were once to sanction the principle of calling for communications from officers to their commander in chief, it would cause a greater revolution in the army than the measure proposed by his right hon. friend. Much had been said of altering the condition of the soldier; but this would alter, in a very extraordinary way, the character of officers,

if their opinions confidentially communicated to their commander in chief, were afterwards found to be called for by the house. He did not know whether it was contrary to the practice of that house to resort to military authorities for information, but he wished to know what had been the usual practice in former cases. Such a principle would place that house in a situation, different from that of the lords, who had it just to consult; for it would give them a right to call on generals to refer to for information. He should vote against the motion, and should be brought forward in any other shape, he should then be ready to state his opinion with respect to it.

Mr. *Yorke* contended, that when the subject of fortification, as planned by the duke of Richmond, was before the house, the general officers had been consulted, and their opinions laid before the house.

Mr. *For* replied, that there was a distinction between an opinion given by a board of officers, and that which was communicated individually. The case referred to had been of the former description, and therefore, was no precedent for the measure now proposed.

Colonel *Craufurd* contended, that the question respecting the fortifications of the country was a purely military one; whereas the question respecting the means of recruiting the army was not so. He thought it rather singular, that the measure of his right hon. friend should be represented as likely to cause a revolution in the state of the army, when the principle upon which it was founded, was that upon which the defence of the country rested. The first act of the administration, of which the hon. gent. was brought forward this motion was a measure, was to call out the militia, to the number of 90,000; the next was for raising a force of 50,000 men for the army of reserve. These forces were raised for a limited term, and to them the country was to look for its defence. And yet they were now told that the application of the same principle to the mode of raising the regular force, inferior in number, would cause a revolution in the army.

Mr. *Perceval* contended that the measures of the late administration had been eminently successful in supporting and increasing the military force of the country, and that there was no necessity for having recourse to new and untried experiments on a subject of so much importance. The new measure was of such a nature as call

for the opinions of practical and experienced men; but the right hon. secretary seemed so fond of theory, that he wished to exclude practice altogether. It was rather extraordinary, that his right hon. friend, now no more, (Mr. Pitt) had seen reason to alter that inclination which he had felt for the principle of limited service, from the very same cause that had confirmed the right hon. secretary in his original opinion. They had both had recourse to the opinions of military men, and had come to very different conclusions from those opinions. This should induce the house to call for the sentiments of experienced men. If such opinions were withheld from the house, the natural conclusion would be, that they were upon the whole unfavourable to the measure.

Lord Temple contended that the case of resorting to the authority of military men, when the duke of Richmond was at the head of the ordnance department in 1786, was not at all similar to the present. The noble lord read an extract from the journals, to shew that the information in that case laid before the house, was only an extract from a report made by a board of officers, appointed by his majesty, who were responsible for their opinions. It was unconstitutional to refer to opinions such as those communicated in the manner by which those that were the object of the present motion were given in, and as there was no precedent for examining officers at the bar of the house, on such subjects, he should object to that course of proceeding also.

Mr. Rose thought, that the subject on which a communication had been made to the house, when the duke of Richmond had been at the head of the ordnance department, respecting the best mode of fortifying the dock-yards, was a more delicate question than the present, and argued that the papers ought to be granted.

Mr. Calcraft contended, that there could have been no breach of delicacy, in laying before the house the report of officers appointed to draw up their opinions upon a public opinion referred to them for consideration. The opinions under discussion stood upon different grounds, having been confidently communicated to the commander in chief, at his desire, to assist his own judgment. It had been said, that their opinions might be referred back to those who gave them, in order to their being produced in a more perfect form. But were they all in existence? Were they at

hand? Or was it convenient parliamentary ground for motion, and he should

—The question was then and negatived without a

[REPEAL OF ADDITIONAL

Mr. Secretary *Windham* bill for the repeal of the bill of the 44th of his question that it be read

General *Tarleton* begged attention of the house to the bill, which had been printed since the right hon. gentleman opened his sketch of the proposed to bring forward would shew that the bill be repealed, afforded the means of obtaining a supply for the army in full force, and all the objections which had encountered were gone. The house would interfere to prevent the country from being deprived of its effects. He called on the hon. member to examine these papers and compare themselves for the reading of the bill.

Mr. *Hazlton* concurred in general in hoping that the hon. member had come prepared to judge having read the papers on which he was convinced would the bill had completely failed.

Mr. *Percival* recommended in his turn, an examination because he was sure that the reverse of what had been said by the hon. member who preceded him, was the right hon. gent. (Mr. Pitt) had forwarded the measure, by which it was shown, that on the average preceding the 6th of March, the bill had produced nearly 200 the average of the 3 months would produce 9 or 10. And in the 50 weeks ending March, it had produced in the last 15 weeks its average of 258 per week, 13,200 in the year; in an average of 277, or 13,556 per week, being at 18,000 in the year; and discouragements which operation. They would papers, that the bill had, in the first instance, been understood. What was complained by the inspecting

result had been to give renewed activity to the bill.

Lord Temple thought the house obliged to the learned gent. for the course of reading he recommended; but was of opinion that they should adopt a more enlarged system of education. He begged the house would consider not so much the number of men raised, as the means by which they were raised, and the manner in which the bill had been received in the country.

Colonel Craufurd observed, that the hon. gent. opposite seemed to assume that the whole of the men had been raised by the provisions of the bill. He, on the contrary, was persuaded that not a man had been obtained but by means extraneous to the bill, every one of whom would have been produced if no such bill had been in existence: 16 guineas bounty were given for the regular army; 12 were given for this force, and 10 afterwards on entering the line, so that by this means the individual obtained a bounty of 22 guineas.—The bill was then read a first time; and on the question that it be read a second time,

Mr. Canning gave notice, that on the day on which this bill should be fixed for a 2d reading, he should move to defer that stage of the bill, till such time as the house should have an opportunity of judging of the measures to be brought forward by the right hon. gent. This bill was for the repeal of a measure, that afforded a resource to a certain extent to provide even for the army. He did not mean to discuss the merits of that measure, but was sure the house would do right not to get rid of it until they should know what was to be substituted for it. The course he should take would be not to get rid of the present bill, but to suspend its progress till they should be able to judge of the value of the measures to be brought forward. The right hon. gent. appeared to have proceeded in an inverted order, by proposing to repeal a measure that afforded a resource to a certain extent, before he was prepared to bring forward a substitute. He should not propose to defer the second reading of the bill beyond the present session, but for such a period as would allow the house an opportunity of judging, whether they were to look to any thing as a substitute for the measure to be repealed, but visions, projects, and fancies.

Mr. Secretary Fox left it to the good

sense of the house to determine how far the right hon. gent. was qualified, by the solidity of his understanding, to judge whether the measures of his right hon. friend were mere visions, projects, and fancies. If his right hon. friend had simply proposed the repeal of the bill, without proposing any project for the improvement of the military system, he should himself have thought the measure a beneficial one, and he should be ready to discuss the question on that ground. He was satisfied that more men would have been obtained, if this bill had never been in existence, and that not a single man had been raised in consequence of it, that would not have been procured by other means.—The bill was ordered to be read a second time on Tuesday next.

HOUSE OF LORDS.

Friday, April 18.

[IMPEACHMENT OF LORD MELVILLE.]

Mr. Giles, and several other members of the commons, brought up a message, containing a list of witnesses to be produced in the trial of lord Melville, and requesting that their lordships would take measures to summon such witnesses to attend on the 29th inst., and to bring with them such books, papers, and documents, as were marked against their respective names.—On the motion of lord Walsingham, a message was ordered to be sent to the commons, containing a compliance with the above request.—Lord Walsingham also moved, that Mr. Wyatt should attend the house on Monday, to state what progress had been made in the preparations for the trial of lord Melville, and when the fitting up of the court was likely to be finished. Ordered.—It was likewise ordered, that the lord chancellor should send letters to the peers of the blood royal, informing them of the day fixed for the trial of lord Melville, and requesting their attendance.

HOUSE OF COMMONS.

Friday, April 18.

[MINUTES.] New writs were ordered to be issued for the county of Wicklow, in the room of the right hon. George Ponsonby, who, since his election, had accepted of the office of lord high chancellor of Ireland; and for the county of Galway, in the room of D. B. Daley, esq. who since his election, had accepted the office of joint muster-master-general of the forces in Ireland.—Mr. Giles moved, that a message be sent to the lords, with a list of

the names of the witnesses to be adduced for substantiating the charges against Lord Melville, and requesting of the lords to issue their summons to such witnesses for their attendance on the said trial, on Tuesday, the 29th instant. *Ordered*.—A message was afterwards received from the lords, stating that they had received the message from the commons, and had ordered the necessary summonses to be issued for the attendance of the witnesses, and also for bringing with them, and producing the papers, books, and accounts set opposite to their names.

[*EX-PARTE CRIMINAL PROCEEDINGS BILL.*] Mr. Serjeant *Best* rose, agreeably to notice, to move for leave to bring in a bill, for preventing all interlocutory or *ex parte* proceedings in criminal matters, from being published in newspapers. No man, he declared, had a greater disposition to support the liberty of the press than he had: none could more anxiously wish that that liberty should be extended to its utmost possible limits. No man, however, who was a friend to the press, on rational and liberal principles, but would wish to see it kept within some fair and satisfactory bounds. It was well known that not a case occurred in which the evidence, supposing it to be even of the most unsatisfactory and doubtful nature, did not find its way into the newspapers, thereby prejudicing the public mind, and there was too much reason to suppose, often even that of the jury, who, it was to be feared, could not always divest themselves of the prejudices they had imbibed in consequence of those partial statements. The practice alluded to was acknowledged by most of his brethren at the bar to be improper and illegal; and, in evidence that it was esteemed to be such, two editors of papers in the county of Sussex had lately been subjected to 6 months imprisonment for a similar offence. It might be asked, why, in such circumstances, bring in this bill? His answer was: because the law was not sufficiently known. It had been his misfortune to be counsel in two cases in which complaints of this nature had been made to and felt by him; the case of *col. Despard*, and the more recent one of *Patch*. In both of these cases it was submitted to him, in what way redress could be procured for the injury under which the party was supposed to labour. His answer was, as it would unquestionably be in any other case of the kind,—It was impossible that

any redress could be procured, increasing the odium and formerly existed against the attorney-general, as the case was not properly complained of, the point not being sufficiently clear, either he, nor the party like victim of this suspicion, but to complain, the question was. The learned serjeant's objection, a penalty of 100*l.* to the person who would prosecute in such cases, he knew the public to be hearing statements of the proprietors of newspapers in which at no expence or trouble was made to satisfy the public curiosity, but by conferring a power of punishing the act by imprisonment. In proceedings before magistrates, for felony, improper subjects were brought before the public eye, but cases which occurred in the Westminster hall, to which it was that the present bill should be applied, which he conceived to be as *ex parte* statements. Proceedings for criminal information proceeded merely on one side; and the fact was on the face of them, very proceeding to trial, turned round. It was, in such cases, proper that the observation on those *ex parte* and fallacious statements should be read by persons, probably, afterwards, to decide of the case, and who the risk of having their sense of the subject perverted. His object was to restrain the publication of newspapers, not only of cases before magistrates, but of criminal proceedings moved for in Westminster Hall, preventing the statement of facts from meeting the public eye, should fairly come before the jury. He accordingly moved for leave to bring in a bill for preventing the publishing in newspapers and interlocutory criminal proceedings. This motion was seconded by *Erskine*, and leave was given.

[*AFFAIRS OF INDIA.*] The report of Mr. Paull, two several resolutions of the 11th and 17th were read; the former, for the production of certain papers from *Bhurrpore*; and the latter

the papers contained in them, were, after some observations from Mr. Addington and Mr. Grant, ordered to be produced forthwith.

Sir *A. Wellesley* requested that the hon. gent. who was about to bring a charge against the marquis Wellesley, would state the distinct nature of the charge, and of the course of proceeding which he intended to adopt.

Mr. *Paull* replied, that it was his intention on Tuesday, to lay the ground of a charge against marquis Wellesley, for extravagant expenditure of the public money, and for having applied it to purposes of unnecessary splendour, contrary to an act of parliament. With regard to the course of proceeding, he did originally mean to move, that evidence be heard at the bar of the house in the first instance; but he had heard strong objections to this mode by several members, who urged the propriety of laying the charge before the adduction of proof. The hon. gent. was proceeding to read a passage in a printed report of a speech of Mr. Burke's, on the impeachment of Mr. Hastings, in corroboration of this opinion, when he was called to order by lord Temple, who protested against this as irregular.

Mr. *Paull* then proceeded to lay the ground of his motion, and stated, at some length, from papers, letters, and other documents, the circumstances of a treaty entered into with the nabob of Furruckabad, soon after the arrival of the marquis Cornwallis in India, and which was afterwards guaranteed by the East-India Co. The conditions of this treaty were, that the nabob should disband his own native troops, and be in future protected by a British force, for which he was to pay a subsidy of 50,000*l.* annually, out of a revenue not exceeding 140,000*l.*; and which treaty was faithfully observed by the nabob, up to the year 1801. After disbanding his own troops, this prince was, of course, unable to resist any encroachments made upon his territories, except by the aid of the British force, which was to have protected him from all his enemies. The hon. gent. then went on to state, that after the arrival of lord Wellesley, he took, for the British government, contrary to the terms of the treaty, the tribute which was before paid to the nabob by the Rohillas. This, he was authorized to say, was contrary to the wishes of 23 out of the 24 directors of the East-India Co.; though when he was

in India, he saw a dispatch from the committee approving of it. After some additional troops were sent to any attacks made upon the nabob, his subsidy was increased to 50 lack rupees, which was in violation of the press stipulations of the treaty. It therefore with surprise, that he heard noble lord (Castlereagh) move, last sess for a paper containing an approbation of these proceedings, by the secret committee. Two of the persons made to sign this probation, namely, Mr. Devaynes and Mr. Roberts, reprobated this conduct; did also all the members of the court directors, with the exception of one baronet (sir T. Metcalfe). He then read several papers, to shew the mal-administration of the noble marquis in India, which, he said, had produced a loss to the company, of 7 million sterling. He then further said, that by the authority of the marquis, the nabob was sent for to Lucknow, for the purpose of signing an agreement, and after his arrival, his seal was to be found at his dwelling; and he was engaged to prove, that the same seal was afterwards found in the house of the British government, at Lucknow. He said, he did not stand forth as the sole accuser of marquis Wellesley, and read an extract from a speech of Mr. Francis, upon Indian subjects, written and published by the hon. gent. himself, in which he accuses the Bengal government of being the aggressors in the Mahratta war. With this confirmation in his favour, he would shortly conclude with saying, that the conduct of the noble marquis was commenced in injustice, and terminated in oppression. He then moved for a Copy of the Treaty between the nabob of Furruckabad, and the East-India Co., and guaranteed by the marquis Cornwallis, in 1787.

Lord *Castlereagh* having been alluded to in the course of the speech, thought proper to set the hon. gent. right in a mistake which seemed a strong feature in his argument. The hon. gent. expressed his surprise, that he should have moved for a dispatch from the secret committee approving of the conduct of the noble marquis; but if the hon. gent. thought to impress the house with the opinion, that that was the dispatch of the gentlemen whose names he mentioned, he must suppose the house to be more ignorant of the course of these proceedings, than he would admit it to be. The house was too well in

formed not to know, that the dispatch was that of the commissioners of the board of controul, and not of those who signed it, who could only act as the official and regular agents on the occasion. As to all the other subjects descanted on, they would remain for future consideration; and, he only rose, for the purpose of rectifying the mistake of the hon. gent., as to that one particular fact.

Mr. *Paul* explained, that what he stated to have excited his surprise, was, that the noble lord should call for such a paper, after he was fully apprised that the court of directors had protested against it.

Lord *Castlereagh* rejoined, in explanation, that what he called for, was the dispatch of those to whom responsibility attached, which was not the case with the gentlemen who signed it.

Mr. *Hiley Addington* said, that the hon. gent. might have saved himself much trouble, and the house a good deal of time, had he merely moved for the papers in question, without entering into such a long preliminary detail on the subject. He had not the slightest wish to oppose the production of the papers; neither should he say one word on the subject of the charges that had been advanced. He should only request the house to keep themselves free from every bias that might be produced by what had been said, and to sacrifice some time in investigating the documents now moved for.

Mr. *Whitshed Keene* thought, that in the management of an immense empire like India, it was possible that a governor-general might, for the salvation of the country, be obliged, in some instance or another, to violate the strict letter of the law, and yet deserve the thanks of the country. He had himself been 38 years a member of parliament; he had heard almost every thing that had been said in that house upon the affairs of India, and had read all the documents that had been printed; and he thought that no member was qualified to vote a censure on the governor-general for any particular transaction, without having studied very much in detail the whole system of the Indian administration, and the various treaties which were contracted with the native powers, and also the manner in which those treaties were observed by the native powers.

Mr. *Francis* said, that the particular appeal made to him, justified him in saying a few

words. As to the powers of the Commissioners of controul, and the court of directors, he had, when the bill was brought into the house in 1784, by Mr. Dundas, particularly reprobated the absurdity and inconsistency which, even according to the present statement of the noble lord (*Castlereagh*) it clearly involved. He was not talking of the law as it was now, but only mentioning what opinion he had given, when it was a bill. What did it enact? Why, that the ostensible power should be first in 24 directors, next in three persons chosen from these as a secret committee, but that in fact it should be in neither. A controul might be necessary, and it might perhaps be proper sometimes to supersede the orders of the directors, but the absurdity was, that the secret committee, after giving one dispatch as that which they approved, might afterwards be compelled to sign one diametrically the reverse, and one which they abhorred. As to their protests, these were not known, and their authority was thus given to measures, of which, in the most positive manner, they disapproved. Hence the ruinous situation to which our India possessions were reduced, and the degradation of the court of directors. Now, as to the appeal to him, if he wished to be silent he might do as the hon. gent. did to whom he formerly alluded, (Mr. *Sheridan*.) that is, stay away while his duty required he should be present.—[The speaker reminded the hon. gent., that it was irregular to bring charges against a member who was absent.]—Mr. *Francis*, in continuation, observed, that he charged him with nothing but staying away, he believed his opinions remained unaltered, and he would surely come sometime to support them. When the hon. gent. (Mr. *Paul*) consulted him about this business, he had rather discouraged him from going on with it. It would do him no good—but if he was satisfied with that reward which every honest mind must feel in doing his duty, he would have that and no other. He would experience desertion—perhaps he could not say desertion, as he had not been encouraged, but he would not be supported. As to his own speech, it would not become him to say any thing in praise of it, but the more he thought on the subject, the more he believed what he there stated to be true, and he confessed that it contained charges of a very high nature. His right hon. friend (Mr. *Fox*) had approved of it,

and had declared it to be unanswerable. In that speech he never mentioned a wish to impeach lord Wellesley—but if that speech were unanswerable, he certainly ought to be impeached. It might be asked, why he did not proceed upon these charges?—that was not his object. His design was to have lord Wellesley recalled and another system adopted, but he at the same time thought that there were sufficient grounds of impeachment against that nobleman. His object was in some measure answered, when lord Cornwallis was sent to India; and as to the impeachment of lord Wellesley, he did not proceed with that, partly because he was not equal to such a task, and partly because he had little hopes of having efficient support.

Mr. Secretary Fox begged leave to trouble the house with a few words, in answer to what had fallen from his hon. friend. His hon. friend near him seemed to hint, that he (Mr. Fox) and others who agreed with him, had, in opposition to their former conduct, wished to disparage this proceeding, and to throw obstacles in the way. There was not the smallest foundation for such suspicions, nor were there any grounds whatever for arraigning his conduct on that head. As to the speech of his hon. friend (Mr. Francis), he had undoubtedly said, that it was unanswerable; not meaning to make this broad assertion absolutely, but because, in fact, no attempt had ever been made to answer it. He approved of it certainly, altogether, and partly, perhaps, for this reason among others, that there his hon. friend had professed to drop all idea of proceeding to an impeachment. Yet it was rather hard that he should think it incumbent on those who thought that there was a great deal of blame somewhere, and that a bad system had been pursued, to support an impeachment or any motion for criminal proceedings. He totally disclaimed any such idea. It might happen that a person might disapprove a bad system without being committed to support a criminal charge. When a bad system of government prevailed, the best mode of remedying this was not, in general, by impeaching an individual. The object was, to remove the person who carried on such a system, and to take care that none such should be acted upon in future; and, this being obtained, it might often be inexpedient to carry the matter any farther. But, at the same time, there might be particular acts, of so enormous a kind as to call for

impeachment. This he did not mean to deny. But he and his hon. friend had a great deal of experience on this subject. This was certainly not a proper time for enquiry. He (Mr. Fox) acted as he found it necessary to do, with respect to systems in Europe. About these systems there might be, and, no doubt, there often was, a great deal of error in judgment. He might disapprove of, and strongly oppose them; and, if he could accomplish his object, which was the destruction of these systems, he would certainly not always think it necessary to resort to enquiries. That was his opinion generally, though, undoubtedly, there might be exceptions to the general rule. If this rule was proper with respect to all executive governments, it was particularly so with regard to India. Now, that he ought to bring a regular charge in all instances where he disapproved of a particular system of conduct, was a conclusion to which he could by no means assent. Impeachment was a bad mode of proceeding, except in particular cases; and certainly it was not advisable to adopt it with regard to a governor-general of India merely on account of his system. One hon. gent. had said, that all these papers ought to be examined by every member of this house, before he voted on this question. This, perhaps, might, when they were very voluminous, be, in some instances, incompatible with other duties; but he believed that in cases where the necessity was not great, it was possible that such charges might be brought forward rather with a view to the popularity which they might acquire, than from any hopes of ultimate success. He had approved highly of his hon. friend's speech, and the more so as he had disclaimed any idea of a charge of impeachment. He did not say that impeachment ought in all cases to be abandoned; but he really was of opinion, that if it were often to be resorted to, it would, from its difficulties, be soon given up in despair, and impunity might thus be procured for almost all sorts of crimes and misdemeanours committed by a governor-general of India. As to desertion, he certainly could not be said to desert a person whom he had never encouraged; but since the trial of Mr. Hastings, they might say, if they pleased, that he shrunk from all India impeachments, or flew from them, or any worse term might be used, if a worse could be found. To this he would make

no answer. But so far was he from deserving the insinuation which had been thrown out against him, of having altered his opinion with his situation, that the only reason why he was present at this debate at all, was, the very circumstance of that change. He scarcely ever attended these discussions before, since Mr. Hastings's impeachment. He had, indeed, attended at the delivery of the speech of his hon. friend, but that was merely a matter of courtesy to him. It was now his duty, however, to attend to all these discussions. It was, indeed, the duty of every member of parliament, but in a peculiar manner that of a person in his situation, and if he did not do it, his conduct might be liable to the worst construction. He did attend, therefore, and delivered his opinion with more freedom than he would otherwise have done, for then he would probably have said nothing.—The hon. gent. (Mr. Paull) had given notice of a charge which he intended to bring forward on Tuesday. He would, in the interval, acquaint himself with the subject, as far as lay in his power, and give his opinion of what was the most proper mode of proceeding. The hon. gent. had read a great deal from the debates that took place relative to the trial of Mr. Hastings, and was in his opinion very properly called to order by his noble friend (Temple). He had looked very little into these debates, but what he had seen of them was exceedingly inaccurate, and often the very reverse of what had been said. The mode of proceeding, by bringing charge after charge, had been, upon the whole, the mode which Mr. Burke, himself, and others, thought best on the impeachment of Mr. Hastings. If that mode was the best, in the present instance it might be adopted. But, while he spoke of the most proper mode, it must not be therefore understood that he agreed in the propriety of impeachment at all. As to his opinions, he did not see why he was to be so much distrusted because he did not on every occasion volunteer his notions. It was very difficult to proceed properly in a criminal case before the house, as no honest man would wish in such an affair to use any other influence except what might be derived from his argument; and, if this was the case, was it not better to wait till the whole matter was before the house, than to sound a trumpet in every stage of the business? This certainly would not be his conduct, nor could it be the wish of any one who was anxious only that substantial justice should be done.

Mr. Paull said, he did this cause with a view to merely from a sense of duty intention to follow the p before him with respect f He meant, on Tuesday, charge, and move to lay and, that a future day sho to take it into considerat had laid his first charge a ings on the table, on the it was not taken into con 8th of June. The hon. his thanks to the right hon. candid and liberal manne conducted himself.

Mr. H. Addington desired it was the intention to move for any document charge, when it should be

Mr. Paull replied, t should agree to his moti charge on the table, he have it taken into consi ture day. He proposed cuments in support of it, be taken at the bar, but should first decide wheth impeachable matter. Q posed to bring forward his relative to disobedience assumption of rights (which he should follow that they be taken into c subsequent day.

Mr. Grant observed, th the opinion of the court of ed. He thought that the sy the best system for India of controul was a check directors, and they on th a check on the board of differences on grave sub was material that the o parties should be brought ration. If the house ente tion, it should sift it to a view to obtain substan the parties.

Mr. Johnstone said, it that the opinions of th totally overruled by the t and the treaties with the and the Nizam, were co it. His sentiments, wit affairs of India, were a they had ever been; but sing questions regarding j thought the house wo adopt resolutions, which

prevent transactions, such as had passed within the last 3 years.

Mr. *W. Smith* having understood, that he had had the misfortune of falling under the censure of his hon. friend (Mr. Francis, see p. 800), on a former day for a temporary absence, and having heard the same censure repeated against a right hon. gent. (Mr. Sheridan) this day, rose to state, for the consolation of his hon. friend and the house, that his absence had in part been occasioned, in the former instance, by his waiting on that hon. friend, to ascertain the part he meant to take on the occasion, and that his right hon. friend remained of his former opinion, and would attend in his place whenever the subject should be brought forward.—The several motions were then agreed to.

[**SLAVE IMPORTATION BILL.**] On the motion for the second reading of this bill,

General *Gascoyne*, disapproved of the principle of the bill altogether, and asked whether counsel might not be heard against it at a future stage; and was informed by the speaker that they might.

Sir *W. Young* approved of the principle of the bill, which he considered as a boon to the West-India merchants, and stated that he had been at a numerous meeting of London merchants, where a majority had agreed with him.

General *Gascoyne* again rose, and was called to order by Mr. Wilberforce; but being informed by the speaker that he was in order, he proceeded to state that, in his opinion, this bill was a scheme indirectly to abolish the slave trade, which could not be done in an open and direct manner.

Sir *W. Curtis* thought the slave trade an evil that could not be remedied, but he never purchased a slave himself. He heard nothing of the meeting of merchants adverted to by the hon. baronet.

Mr. *Brooke* approved the principle of the bill, which he considered as beneficial to the West-India merchants.—The bill was then read a 2d time.

HOUSE OF LORDS.

Monday, April 21.

[**MINUTES.**] The royal assent was given by commission to the 20 Millions loan bill, the Irish Treasury bills bill, the Irish Militia Service bill, the Cape of Good Hope Trade bill, and the British Fishery bills.—The earl of Kinnoul was sworn, and took his seat, as baron Hay, on his lordship's attaining his majority.

[**KING'S MESSAGE RESPECTING PRUS-**

SIA.] Lord Grenville presented the following message from his majesty:

"*G. R.* His majesty thinks it to acquaint the house of lords, that he found himself under the necessity of drawing his ministers from the court of Berlin, and of adopting provisionally measures of just retaliation against the commerce and navigation of Prussia. His maj. deeply regrets this extension and aggravation of calamities, already so severely felt by the nations of the continent, and for independence and prosperity he has ceased to consider as intimately connected with those of his own people. But measures of direct hostility, deliberately adopted against him, have left him no alternative.—In a moment of confidential intercourse, without even the pretence of cause of complaint, forcible possession has been taken by Prussia of his maj.'s territorial dominions. Deeply as this affected the interests of this kingdom, his maj. chose, nevertheless, to forbear this painful occasion, all recourse to tried and affectionate attachment of British subjects. He remonstrated, amicable negociation, against the injury he had sustained; and rested his claim on reparation on the moderation of his conduct, on the justice of his representation, and on the common interest which Prussia herself must ultimately feel, to resist a system destructive of the security of all legitimate possession. But when, instead of receiving assurances conformable to just expectation, his maj. was informed that the determination had been taken, excluding, by force, the vessels and commodities of this kingdom from ports and countries under the lawful dominion or forcible controul of Prussia; his maj. could no longer delay to act without neglecting the first duty which he owes his people. The dignity of his crown, and the interests of his subjects, equally forbid his acquiescing in this open and provoked aggression. He has no doubt the full support of his parliament, in vindicating the honour of the British flag, and the freedom of the British navigation; and he will look with anxious expectation that moment, when a more dignified and enlightened policy, on the part of Prussia, shall remove every impediment to the renewal of peace and friendship with a power with whom his maj. has no other cause of difference than that now created by these hostile acts."

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chancellor, respecting the time when preparations in Westminster-hall, for court of parliament, sitting on the of lord Melville, would be completed. He informed their lordships, that the would be completely finished on Saturday next.—Mr. Whitbread presented a of the names of certain additional witnesses who were deemed necessary by the mons to be examined on the trial of Melville, and requested their lordships would issue summonses for their attendance, on Tuesday, the 29th inst.—After the messengers had withdrawn, their ships ordered that a message be sent to commons, acquainting them, that lordships would take the necessary to provide for the attendance of the ess mentioned.

ord Walsingham read the report of the nittee, to whom it was referred to h for precedents respecting their lordships' modes of proceeding on former cases of impeachment; which report was ordered to be taken into consideration on Wednesday.

ord Auckland moved, that the house should proceed on the trial of lord Melville *de die in diem*, except from any special considerations they should deem it dient to adjourn to the day after the ow of the day on which the motion should be made.

ie Earl of Radnor moved that the further consideration of this motion should be postponed till Wednesday.—The of Rosslyn and the lord chancellor opposed this motion, on the ground of its unnecessary, it being already the general and decided opinion of the house, they ought to proceed on the trial *de die in diem*. The motion was then put and negated.—On putting the original motion, ie Earl of Radnor opposed it, conceiving that 4 days in the week were as as the house could devote to the consistently with that attention which must necessarily pay to other business. declined, however, proposing any alteration in the motion.—The motion was put and carried.

HOUSE OF COMMONS.

Monday, April 21.

[MINUTES.] Mr. Whitbread moved, a message be sent to the lords, with a of the witnesses whom he proposed to be summoned by their lordships to attend the trial of lord Melville. Ordered.

—A message from the lords shortly informed the house, that their lords would give orders for summoning the witnesses to attend the trial of lord Melville as desired.—Mr. Whitbread then gave notice that he should, to-morrow, move that part of the journals of the house of the last session which contained the order of the house to the attorney-general, to suspend the proceedings in the civil case against lord Melville be read, for the purpose of moving, that the attorney-general be ordered still further to suspend the proceedings therein.—Admiral Markham, in a view to the charge to be preferred against earl St. Vincent, by an hon. member of the house, thought it necessary to call for the further papers, which, as they were already made out, would not create any delay. After a few words from Mr. Jefferys, who wished to give every accommodation in his power, that would not preclude him from bringing forward his charge in the present session, and from lord Howick, the several papers were ordered.—Mr. Fox appeared at the bar, with a Message from his majesty which was ordered to be brought up, and was read by the speaker as usual. It was the same as that presented to the house of lords. See p. 806.—On the motion of Mr. Fox, this message was ordered to be taken into consideration the next day.

He then moved for the production of several papers on this subject, which were afterwards laid before the house.

[AFFAIRS OF INDIA.] Lord Archibald Hamilton rose, in consequence of the notice which he had previously given, on motion for a paper containing the opinion of the court of directors relative to the transactions in India, during the administration of lord Wellesley. Before he proceeded to make his motion, he hoped the house would allow him to preface it by a few preliminary observations. He first apologised for himself in taking up the business, but he was placed in this situation by the hon. gent. opposite (Mr. Huddellstone) having abandoned his original intention of moving for this paper. He disclaimed all idea of moving for it with a view to its being made a ground of charge or a point of evidence against lord Wellesley. Much as he disapproved of the system upon which that noble lord acted, he had no intention of this kind. There would be sufficient opportunity afterwards for his declaring his opinion on that subject. His object in moving for this paper th

was, to make it a ground of charge against the late board of controul, and the noble lord (Castlereagh) who presided there. If it appeared afterwards that the proceedings of that board had been just and proper, nobody could be more ready to acknowledge his error than he would be; but, unless he was very much mistaken indeed, it would turn out that there were good grounds of charge against them. The noble lord had, year after year, gone on stating that the affairs of India were in a condition of the highest prosperity. The directors now said that they were on the brink of ruin. One or other must be mistaken, and his object was, to ascertain which statement was correct, and to whom the evils that had fallen upon India were to be attributed, supposing that the opinion of the directors was well founded. This he considered as a very proper subject of deliberation for the house. The dispatch of the court of directors to the government of Bengal, disapproving of the system that had been pursued, had been submitted to the late board of controul, and was withheld by them. The directors were at the same time obliged to sign a dispatch contradicting their real sentiments, and approving those very measures which they considered as pernicious. Was the noble lord prepared to own himself the author of the awkward and unpleasant situation in which the directors were thus placed? What share of such a measure would he take upon himself, and what would he ascribe to others? He called the attention of the house to the state of the unfortunate directors, who had a dispatch forced upon them, contradictory to what was their real opinion, and this a dispatch which was afterwards laid before the house as a statement of their real sentiments. This was the effect of that system for the government of India which had been so much opposed by his right hon. friend (Mr. Fox), and which, had his bill been adopted, would never have taken place. The court of directors were without power, and the board of controul without responsibility. He would ask any gent. what would be his feelings, were he called upon in his private capacity to approve of what was contrary to his real sentiments? It was not for him to criticise the conduct of the directors, or to examine how far they were culpable in their compliance. Probably it was not in their power to have acted otherwise than they did. He confessed he had reason, on

this occasion, to fear the opinion of those friends with whom but he was not conscious of having expressed any opinion which they had been in the habit of maintaining. He should, at the satisfaction of thinking that he had delivered respect to the government of India and absurdity of the proposals to theirs. The noble lord to several objections which might be made to his motion, and moved, "That before the house a Dispatch court of directors, dated to the governor general answer from the Board of directors, to transmit the same from the court of directors."

Mr. Hudleston.—Sir, I repeated notice of intended papers which would have detracted from the most important matter now moved for by the noble lord. I have not felt it necessary to do so on the present occasion, as I have been particularly alluded to by the noble lord, lest my silence should be much misconstrued, as I have been which induced my intention of bringing motions. The noble lord, in extinguishing his own objection, stated, that his is not to be taken place on the issue of the state of our affairs. I shall not shrink from the issue in respect to my motives. I have papers in question to be laid before the house, the facts are briefly and I have discussed in this house in the last session, had given both here and without doubt an executive body of the East India Company approved of certain treaties, Oude, and transactions with them. A paper certainly to that idea, had been considered to be laid before the house, the approbation of those transactions expressed under the hands of the committee of the court of directors, knowing that the court had not even been made acquainted with the transactions until two years after the date of that letter, and that, as I was acquainted with them, the

disapprobation of them ; I felt anxious to remove the impression which the production of that letter had occasioned. It was my sole object, and I therefore determined to move for certain papers, if produced, I knew would accomplish it, and which had reference to no subject, than to the affairs of Oude, Berruckabad.—But, from circumstances which must be fresh in the recollection of this house, and to which it became me to draw every attention, I was induced to move my motions three several times : at length the document, an extract of which was the most material of the papers I had intended to move for, was deposited by the East-India board, and after several days laid before them. The production of it here, therefore, was no longer necessary for the only object I had in view. I consequently determined to relinquish my intention to move for those papers ; and I did so the more readily, from the consideration that persons to whom the judgments I feel, and ought to feel, are due, saw objections to the production of that paper ; and also because, although the paper in question expresses the sentiments of the court of directors, I might, in moving for it, appear to admit that body with regard to the necessity of its production here, which I had no authority to do.—But these considerations without the more material one of the paper having been produced elsewhere, would have given place to the anxiety I felt to exempt even the limited share and portion which I occupy in the court of directors, from that proportion of the merit or demerit which may be thought hereafter to attach to the transactions in question. I have shewn, that, there was no inconsistency in my relinquishing my intention to move for those papers, and now that the paper in question, and others, are moved for by the noble lord, I certainly will vote for their production, though I do not vote for it exactly on the grounds suggested by the noble lord ; for I am unable to perceive, how the production of the paper in question, can be considered as furnishing ground of accusation against any party, against the board of commissioners, any more than against the court of directors. For, surely, if the proceedings in Oude, and any other proceedings adverted upon in that document, have been just and right, the court of directors will be open to censure for the disappro-

bation expressed of them on that account, and the board of commissioners will be entitled to commendation for having rejected it. To consider, therefore, the paper as furnishing a ground of accusation against either party, seems to me, to be like prejudging that question. But I shall support the motion on what appears to me to be a broader ground—that every paper on Indian affairs, that has been produced for since the attention of this house and the public has been drawn to the transactions in India, has been granted indiscriminately. And in respect to Oude transactions, there is this additional argument for the production at least so much of the document in question relates to them ; namely, that the house has already ordered the production of a paper, expressing the approbation entertained of those transactions by the board of India commissioners. That paper has made its own impression on this house. The paper in question on the other hand, expresses the disapprobation entertained by the court of directors of the same transactions : and as the former has been granted, there seems an obvious principle in favour of not withholding the other ; or at least of so much of it as relates to those affairs which are before this house ; namely, those of Oude and Berruckabad. At the same time I am aware that the production of that particular paper is liable to the objection, that it is a proposed letter or dispatch only, which was not transmitted, and of course the opportunity of answering it given to the government, to which it was meant to be addressed. This objection I should feel to be decisive against the production of the paper now, if the late governor-general were still absent in India ; but, as he is on the spot, it is open to him to have a copy of the paper to answer it, and to have a copy of his answer also moved for, and laid before this house : it may be said also, that in effect the paper has been answered by the reasons which the board of commissioners gave for rejecting it. But a stronger answer to the objection may be found in the fact, that a paper under these circumstances has been moved for, and ordered without objection or discussion. The case was this : the court of directors imagined that the act of the 33d of George III, in the whole of the spirit of it, more literally and expressly in the 1st clause, rendered it illegal for a gover-

to appoint to any civil office under the crown, any person not a covenanted servant of the company, and that even of those servants, no one who had not been 12 years actually resident in India, could be appointed to any place of which the emoluments exceeded 4,000*l.* per annum. Proceeding on this idea, the court of directors framed a dispatch, censuring and annulling as illegal, the appointment of a gentleman not in the service, to be deputy governor of Oude. The board of controul rejected the dispatch, and wrote a letter to the court of directors, justifying the appointment as legal and proper. Copies both of the rejected dispatch, and of the answer from the board of commissioners, were moved for in this house, and I think by a member of the late board of commissioners, and were ordered without any objection. I am not aware of any objection to the production of the paper now moved for, that was not applicable to the production of the other. On these grounds, sir, I think it right to support the present motion for papers, as I have done every former motion made for India papers when I have been present in the house, in order that every information that can be derived from papers relating to transactions, in the consequences of which the public is deeply interested, may be fully and impartially before the house.

Mr. Secretary *For* declared that it was with regret he heard that such a motion as the present was to be made; and more especially that it was to be made by two persons for whom he had a great respect (Mr. Huddleston and Mr. R. Thornton). But the pain which he felt was not a little increased when he found it was to be made by the noble lord near him (Hamilton) for whom he had the highest esteem, whose personal regard he would wish to conciliate, and with whom he would always desire to cultivate a political connection; for to him that noble lord's ideas respecting the constitution, and his sentiments on political subjects in general, appeared to rest on principles so just, and well founded, that it gave him the greatest concern to differ from him, even in the application of those principles to any particular point. But he thought that the present question ought to be considered with a view to the judicial enquiry about to come before the house, and therefore our attention ought to be directed to justice alone. Now, viewing the matter in this light, he could not reconcile

it to his mind that the papers called for by his noble friend were not manifestly and grossly unjust. His noble friend seemed to admit that it would be improper to produce them as a ground of crimination against lord Wellesley, and he was glad that he coincided with him even thus far; but let us consider whether they would not operate against him in an unjust and oppressive manner. First, he might contend that these papers were not strictly official: but suppose they were, was the character of a man, under accusation, to be weighed down even by official papers? Look at the common judicial proceedings of the country, with which every person must be more or less acquainted; would it be endured that the general opinion should be stated as a ground of crimination against a person on trial? Nay, would not the publication of any thing like this against his character be a reason for putting off the trial, instead of being admitted as evidence before a jury? Now to apply this to the present case; whose opinions were they calling for? those of the court of directors. But they, by law, could only communicate their opinions to the board of controul; though, certainly, he did not mean to say that this was a good law. This, however, was at present the only way in which they could give their opinion; and when they were obliged to sign a thing which they strongly disapproved, their only remedy was that which was open to all in such a situation, namely, an application to parliament. But, besides, what were these directors? They were the persons supposed to be most conversant with the affairs of India; and, both on account of their knowledge of the subject, and their respectability as a body, justly considered as a high authority. But the higher their authority, so much the worse would it be to produce these papers when a man was under accusation. This was so clear, on every well founded principle of jurisprudence, that he was amazed that it could escape the attention of any person. Now, in this case, there were some particular circumstances. The first was, the anomalous situation of the directors. They were bound to execute the commands of others. In every other department, when any thing was proposed to a person which appeared to him of the most mischievous tendency, he might refuse to sign it; but they were by law bound to sign, whether they approved or not, and

their condition was more anomalous than that of any class of men in Europe, even under the most despotic government. The only remedy they had, when they found that the board of controul insisted upon measures, which to them appeared of the most dangerous tendency, was to come and state their case to the house. Last session, a motion was made for a letter of the secret committee, which could properly be considered only as a letter of the board of controul. It was fairly moved for, because an individual, when his conduct was called in question, might justly enough call for such documents as shewed the subsequent approbation of his superiors,—he said of his superiors, because though you (the directors) remonstrated with the board of controul, you did not, it seems, think the matter of sufficient importance to come to the house and state your case, which, if you were aggrieved, was a plain and obvious course for you to pursue. Another point was, that the directors probably wished to defend themselves. This was not the stage for that. When the affair of the marquis Wellesley was decided upon, and when the papers now called for could have no influence on his case, then they might fairly be moved for. But it would be an intolerable hardship to an accused person, if you could say that you did not call for such papers to injure him, but to defend your own characters. The answer would be, that he had a great regard for your characters, but, in defending them, you were not entitled to injure him. There was another point to be considered. If the actions of lord Wellesley were such as they were represented to be, then the papers would operate against the board of controul, and their influence would be increased when it was found that the board had rejected the better counsel of the directors. But, till the conduct of that board came under consideration, the papers ought not to be produced. If, indeed, the directors had come at the time when the transaction took place, and stated their opinion to the house, and their situation, that would have been a different matter.—With regard to the point of information, the public had it, and it was of course impossible that it could be kept from members of parliament, who formed a part of that public. It was not, therefore, for information that the other papers were called for, but on account of the authority which they would have in the enquiry before the house. But

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what was the difference, since they were already before the public? Truly the difference was, that the commons were to pass judgment in this enquiry, and not the public. Now, as far as this argument had been used, it would weigh more the other way. If you only want information, you have that, and as to the authority, the greater that was, so much the worse for the argument and the person accused; for this dispatch contained a strong case against the marquis Wellesley. What convenience could result from its production? He saw none, but the contrary. Were the accusers to stand behind the East-India Co., or were the directors to support themselves at present by a case, of which they had not complained at the proper time? He hoped that neither of these things could be permitted. But then it was said that these papers were not intended to criminate lord Wellesley. One said that they were intended to criminate neither the board of controul, nor lord Wellesley, and his noble friend wanted them as a general piece of information. But then they would have that effect collaterally, if not directly, and therefore they ought not to be produced. We were not at present considering the situation of the finances, the fabric of the government of India. These might come under review, and then the papers might be produced. He knew that his noble friend, amongst all the excellent qualities he possessed, would regret to do a wrong thing, and he would ask him how he would feel, if afterwards these papers should, if now produced, be used in a manner which he would disapprove? Nothing at present would be lost in point of information, and though these papers might be useful at another period, they would just now be attended with the most injurious effects. Though it was not very usual to move the previous question on motion for papers, yet, as there was nothing in the forms of the house to prevent it, he would move it in the present instance.

Mr. Johnstone said, that the degree of astonishment under which he rose to present himself to the house, after what had just fallen from the right hon. secretary, scarcely left him the power of utterance. When that right hon. gent. and his friends were on the opposition side of the house, he always understood them to be not only the warm friends, but the loud and strenuous advocates for investigation on Indian affairs. They had repeatedly asserted, and

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urged, that unless a thorough and minute enquiry into the whole system was speedily adopted, India must be inevitably lost to this country; but now that they had changed places, they, it seemed, had totally changed their opinions also, and deprecated enquiry as useless and unnecessary. Had his majesty's ministers been called on to produce documents from a commander-in-chief, there might be some plea for withholding them as of a secret and confidential nature; but how they could argue that the letters or dispatches made up by the court of directors, for the purpose of being sent out to India, should be called unofficial and irrelevant upon an enquiry of this sort, he was wholly at a loss to account; but there was a precedent on the journals, of the 18th of June, 1801, in direct refutation of such a pretence; for on that occasion an order was made to lay before the house, copies of the paragraphs prepared by the court of directors and laid before the board of controul, in order to be by them considered, and inserted in the dispatches sent out to India. The right hon. gent., he thought, must admit, that this precedent was conclusive authority; and there was also another case in point upon a motion made by the right hon. gent. himself, in 1798. The only argument in which he could agree with the right hon. gent. was, that justice should not be violated; and if he could conceive that any such violation were likely to result from the production of the papers in question, he should be one of the last men to urge it; but seeing no such cause of apprehension, he could conceive no reason why the house, in proceeding to an enquiry of so much importance, should debar itself from seeing what was the opinion of the court of directors, and of the board of controul, on the subjects of Indian affairs. Those were the officers to whom the government of India was entrusted, and surely, their opinions must be extremely important for the house to know. When the investigation relative to the conduct of Mr. Hastings, was proposed to parliament, and the house had agreed to proceed to the enquiry, if any man had held such language as that of the right hon. gent. this night, in resistance to the production of documents so necessary to the information of the house; if any man had said, "Don't let us weigh down a criminal by such a mass of unofficial evidence," he would have encountered the right hon. gent.'s strongest reprobation.

After the repeated assurances given to the house by the friends of that noble lord, of their readiness to give, upon every subject connected with his conduct, the fullest information to the house, the refusal in this instance was a strong reflection upon the character of that noble lord, and upon the conduct of the right hon. gent. If the noble lord's conduct was pure and unsullied, he could have nothing to fear from the production of these, or of any other opinions. He himself really had no idea that the noble lord was guilty of any intentional criminality, though, it was possible he might have fallen into errors but too incident to men in great power, by making an impropriety of that power, and this was really the utmost he meant to impute to the noble lord. But if differences of opinion had existed between the court of directors, and the board of controul upon this subject, he owned, that it was somewhat singular that the India Co., and the public, should be put in possession of those differences, and parliament alone kept in the dark. In short, conceiving as he did, that the house, by being possessed of those papers, would have a much more accurate knowledge of the existing state of India, and be of course better capacitated to discuss the subject, he should persist in supporting the noble lord's motion.

Mr. *Hiley Addington* declared that nothing ever astonished him more than the astonishment expressed by the hon. member in rising to answer the speech of his right hon. friend (Mr. Fox); and in the whole of what had fallen from that right hon. gent., his opinion so fully coincided, that he felt it unnecessary to add anything further upon points so ably and so eloquently elucidated. The noble lord who brought forward this motion, had professed, that he had no intention thereby to criminate the conduct of marquis Wellesley. He was willing to give the noble lord full credit for sincerity in his declaration; but yet he thought it was impossible, if those papers were produced, but that they must give rise to opinions injurious to his character, and strongly tend to excite prejudices against him. The document alluded to certainly was laid upon the table of the court of proprietors, by an hon. gent. who certainly conceived it to be a confidential communication. It had, by some underhand means, he understood, found its way into print, and it contained a series of opinions in condemnation of the conduct of

lord Wellesley, from the time he first set foot in India, upon a variety of points totally unconnected with the matters now in charge, and consequently irrelevant, and going only to excite general prejudice, in order to influence any decision that might take place upon the particular points in question. The house, therefore, in acceding to the motion for such a paper, at this moment, would, in his opinion, do an act of the grossest injustice, for which they could make no reparation, but by directing that all the documents upon which the court of directors had founded these opinions, should be laid before them. He therefore, should oppose the motion.

Mr. R. Thornton having felt himself particularly alluded to in the course of the debate, thought himself called on to state his feelings and opinions. The house, in refusing to comply with the noble lord's motion, would voluntarily shut its own eyes, and keep itself in darkness and ignorance, when the fullest information was absolutely necessary. If he had been heretofore backward in moving to bring those documents forth, it was not because he thought them unimportant or unnecessary, but in deference to the opinions of the right hon. secretary (Mr. Fox), the weight of whose talents and influence he understood would be against him. But now that the motion was brought before the house, it placed him in quite a different situation. Notwithstanding the resistance given to the noble lord, he was convinced, if the house did but even suspect what were the contents of the documents moved for, and the importance of the question it would be so speedily called to discuss, it would be extremely anxious to have them produced. The embarrassed situation of the company's affairs in consequence of the wars in India, was well known to the house. It was equally well known, that differences of opinion had long subsided between the court of directors, and the board of controul, respecting Indian affairs; and that the directions forwarded to India by the court of directors had not been obeyed. But when the house was told that the Indian system was to be reformed, that the board of controul was to be changed, and that an entirely new system was to be adopted, was it not important the house should be put in possession of the opinions of the court of directors, as to what were the errors of the former system, in order to judge how India ought to be governed? Was it

not of high importance that a declaration on this subject, signed by 29 independent men, out of the 30 appointed under an act of parliament for the direction of Indian affairs, should be in possession of the house, in order to its guidance, on proceeding upon so important a topic? The affairs of India, both at home and abroad, had become extremely embarrassed, and those embarrassments might ultimately come home with claims upon that house. He hoped they would not; but it was known the company had not been able to pay the 500,000*l.* a year, to which they were pledged to the country, as the consideration of their charter. When papers were now called for to elucidate the affairs of the company, gentlemen were told they must not allude to the past. How then, except by recurring to the past, were ruinous errors to be avoided for the future? Would the house shut its eyes against all information, and proceed in the dark? Gentlemen exclaimed, "Do not set convenience against justice." True, but justice looked two ways, and required as much the vindication of the directors as of the noble lord. The paper would be produced sooner or later; every member would read it, and it was better it should be read in an avowed and direct way: To attempt to check the perusal of it, would be as vain as to attempt to stop an eruption of Mount Vesuvius. He had no private difference with lord Wellesley, though he disapproved of his administration of India; he had no wish to stigmatize any part of the administration of the great man, now no more; it was his intention, too, to support the present administration. He, therefore, could have no factious motive. The country was in the situation of a ship beset with storms and dangers, and in this situation he should say with a departed hero, "England expects every man to do his duty." Where there had been a perversion of talents and a waste of public money; where the India debt had been increased by lord Wellesley from 11 to 30 millions, investigation was due to the country.

Lord Castlereagh observed, that although the professed object of the motion of the noble lord was that of criminating the late board of controul, that certainly was not the whole object of it. He had no disposition to conceal any thing, and therefore as such he would have no objection to any document which could be called for; but it would give him more satisfaction, if these docu-

that house; concord between the different branches of the India administration, was in general important to the due management of affairs; and the situation of the court was a delicate one, when they had to contend with persons of high rank and connections, who filled the first situations in the India government, and supported probably, as they would be by the administration at home; under which circumstances, the mode of impeachment must be a very unpromising and inexpedient one for them to take. Even without proceeding to that extremity, they must in the circumstances described, sometimes find themselves under great difficulties in following what appeared to them to be the path of duty. Besides this general reason which weighed with him as a member of the Direction, he thought it evident that unless the leading talents and influence of that house supported a motion for impeachment, an attempt to introduce it, must prove a vain attempt; he moreover thought the present crisis, in which the safety of the nation called for the chief care and attention of the house, an unsuitable time for going into so intricate and tedious a business as the impeachment of an Indian governor would be found; and he avowed still another reason for being disinclined at the present moment to the agitation of such a measure, namely, the importance of preserving to the country in its actual situation, the union of all the talents and interests which formed the present administration, among the members of which, it was understood that a difference of sentiment respecting the conduct of the late government did exist, and that difference, if they were forced into the public assertion of it, perhaps upon various points, might have consequences prejudicial to the country. Influenced by these views, though he had at first approved of the intention of an hon. colleague of his (Mr. Huddleston) to move for an extract of the paper now in question, as calculated to elucidate a subject already before the house: yet, on further consideration, and on hearing the ground on which that motion would be resisted, he had advised his hon. colleague to drop his intention. But the present motion was a very different one. It did not call for an extract of the proposed dispatch of the court of directors, in order to throw light on the Oude negotiation of 1801; it called for the whole of that dispatch, not with any particular reference to

the charge respecting Oude, but for the purpose of bringing the general matter of it before the house. This was a new question; and to such a proposition he could not refuse his assent, because if he did, it might seem that he was unwilling to bring into public light, a dispatch in the framing of which, he had his share of responsibility, and to the contents of which, he still professed to adhere. It was true, he rather discouraged, and partly for some of the reasons already mentioned, the demand made by the proprietors of India stock, for the production of this document; and how the letter had got into print, as he perceived it now to be, he was utterly ignorant, having had no idea of any intention to print it, till he observed a gentleman reading it as a pamphlet, in the course of that debate. But the letter being so far public, and a motion being made to bring it before that house, it was impossible for him to do otherwise than support such a motion. The letter contained the deliberate sentiments of the court of directors, upon a review, not indeed of the whole of lord Wellesley's administration, but of various measures of that administration, upon which they had thought it their duty to animadvert. Considerable as the talents of marquis Wellesley were allowed to be, and happy as some parts of his administration were, the court had been necessitated to express their disapprobation of many things, and for his own part Mr. Grant said, he lamented the occasion given for it. In particular, the letter in question contained the opinion of the court upon some of the subjects, which an hon. gent. (Mr. Paull) had brought before the house; and, notwithstanding all the ingenuity, ability, and eloquence, with which a right hon. gent. (Mr. Fox) had opposed the production of the letter, because it was said to be the opinion of a third party on a cause at issue between the hon. gent. (Mr. Paull) and the late governor-general, yet he (Mr. Grant) could not reconcile it to justice, or indeed, to common sense, that in such a case the opinion of the India company, given in the most regular form in which it could be expressed, should be shut out. The company of whom the court of directors were the executive body, was an integral part of the system framed by the legislature, for the government of British India. It was the right and duty of the court to propose their opinions and orders upon all important subjects relating to the

Mr. *Paull* said a few words expressive of his determination to lay before the house to-morrow, criminating charges against the marquis of Wellesley; and also of his surprise that Mr. Fox should not have supported the motion of the noble lord to-night, instead of moving the previous question upon it.

Lord *H. Petty* was desirous of explaining the reason for his vote on this occasion, which should be for the previous question moved by his right hon. friend. With his noble friend who opened this debate, he had the happiness to concur on general and great constitutional principles; and he trusted he should long have that happiness uninterrupted by casual differences upon minor points. He thought it important to the public, that the paper now called for should, at some time or other, be introduced, and in voting for the previous question he should be sorry that any one should conceive him to alter his opinion on the subject of the publicity of all sorts of necessary documents for the information of the house. All he conceived to be the effect of the previous question was this, that the production of the paper moved for at this particular moment should be suspended until the accusation against the noble marquis should be disposed of one way or the other, that accusation being of a criminating nature, and the authority of this paper could not be made use of in the house in voting on that accusation. This paper contained the opinion of certain individuals on the conduct of that noble lord, and was a necessary piece of information for the house some time or other; but not so at present, for it was an authority which it would be unjust for the house to weigh when considering the conduct of the noble marquis. The house would form its judgment of that noble marquis from his actions, and not from the opinion of others. Although the house might hereafter possess itself of the information which the paper contained, the house, in voting for the previous question now, only suspended the production of the paper until the pending accusation against the noble marquis should be disposed of one way or other, and then the paper might very properly be called for in order to the general discussion of India affairs.

Mr. *W. Smith* said, he had so great a sense of the importance of the paper, that he would vote for the production of it, even under the present circumstances, if it

could not be more properly produced at another time. The difficulties ministers had to contend with at present, were so great, that he was sorry to see their attention distracted by any Indian questions. When a virtual censure had been passed on lord Wellesley's administration, by sending out the late noble governor, whom all lamented; to establish a contrary system; and when a noble lord, in whom there was every reason to confide, was about to be sent out to confirm the amended system, he thought the proposed investigation unnecessary and unwise. When investigation was once entered upon, there would be no end to it. There must be a general revisal. He was astonished that 29 out of 30 directors, had sat still when their opinions were so broadly departed from; that they submitted to sign a garbled and mutilated abstract of that opinion, and that they remained a whole year without coming to the house to remonstrate, under an insult that must have been most galling to their feelings.

Dr. *Laurence* strenuously supported the original motion for the production of the dispatch in question, as a necessary piece of information. He did not think it wise to depend much on the personal character and qualities of individuals in the conduct of public affairs, although he had no exceptions to take to those who had been alluded to on this occasion. It was childish to say abuses should be suffered to go on because enquiry was inconvenient. To abstain from the production of a paper of the most useful general nature, because part of the information it contained might be applied to a particular question, he looked upon as foolish and absurd. The questions on the marquis Wellesley's conduct were so plain and direct, that they could be easily decided upon, without having recourse to collateral or remote matter, which nobody would think of connecting with them.

Mr. *Grant* (late chairman of the India Company) said, that whatever his opinion might be of the system of measures pursued in India, in the latter years of lord Wellesley's administration, as indeed of many of those measures he could not help thinking very unfavourably, yet he was no way concerned in bringing forward the enquiries respecting them, which an hon. member (Mr. Paull) had agitated in that house. It was not the practice of the court of directors, to bring impeachments before parliament. They were not represented in

the subject of the Oude negotiation, and the propriety of bringing the general view of the subject before the house. This was a question to which he was unwilling to give his assent, because if he did so, it would seem that he was unwilling to place his name in public light, a dispatch in which, he had his share of responsibility. He was not to the contents of which, he was unwilling to adhere. It was true, he was not unopposed, and partly for some reasons already mentioned, the denials of the proprietors of India stock, and the proprietors of this document; but the letter had got into print, as I now to be, he was utterly ignorant of any intention till he observed a gentleman had published a pamphlet, in the course of which he mentioned the letter. But the letter being so far from being made to bring into the house, it was impossible for him to support such a motion. The letter contained the delinquencies of the court of directors, not indeed of the whole of the administration, but of the court of directors, and of that administration, they had thought it their duty to bring it before the house. Considerable as the talents of Mr. Wellesley were, he was not happy as some parts of his administration were, the court had been unable to express their disapprobation of things, and for his own part, he lamented the occasion. In particular, the letter in question contained the opinion of the court of directors, which an hon. gentleman (Mr. Fox) had brought before the house, notwithstanding all the ingenuity and eloquence, with which the hon. gentleman (Mr. Fox) had opposed the motion of the letter, because it was the opinion of a third party on the subject, and the late governor-general, (Mr. Grant) could not reconcile it with common sense, though the opinion of the Indian directors, given in the most regular form, could be expressed, should be brought before the house. The company of whom the directors were the executive branch, was an integral part of the system of the Indian legislature, for the government of India. It was the right and duty of the court to propose their opinions upon all important subjects relating to the Indian administration.

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of checks: the board of commissioners, controlled the court of directors; the court of directors, had to judge of the acts of the government-general; the government-general in its turn, had always the right of representation respecting such orders from home, as it found to be inexpedient for the public interests; but the government-general abroad, confederating with the board of controul at home, the one by annulling measures there, the other by annulling those measures here, might exclude the court of directors from its right, either for or against those measures, and by means of the channel of the committee, even from the knowledge of the court. Such, in fact, had been the case with respect to the Oude negociation in 1801. It was therefore but the more necessary and necessary, that if parliament were to have full information on this subject, which is now before the house, the opinion of the court of directors, as to such information, should be received as a decision of the case, for then the objection of injustice urged by the hon. gent. might lie; but as throwing upon it which would better enable the court to form its own judgment. Mr. Windham said, he did not support the motion for the reason assigned for it by the noble lord of founding a charge against the board of controul. He was happy to coincide with many of the other sentiments expressed by the noble lord, but he did not intend to bring forward any such charge. In the departments of the India Company and the court of directors, diverse opinions might be expected, and if it was not a conciliatory spirit maintained between them, every difference might lead to an extreme, that would interfere with public business. Certainly, the opinions had differed widely from the late board of controul, concerning the conduct and measures of marquis Wellesley, and Mr. Windham thought the proceeding of that

board, concerning the situation of the court of directors, in being obliged to sign dispatches dictated to them by the board of controul. It did happen that this power was sometimes exercised by the board, and in cases of great moment. The board had given them this power. But in the general currency of affairs, in the thousand of orders which were to be given upon the various subjects relating to India, the court originated the dispatches, and the dispatches were seldom materially altered. To attempt a change now, would be delicate, and might be a dangerous undertaking. Time and practice had consolidated for the general purposes of practical utility the different parts of the complex machinery of Indian government; and on the whole it had from habit acquired a facility of movement. If one piece was taken away, others might be weakened, and in short the whole machine be destroyed. He therefore deprecated an attempt to make a change, the whole extent and effect of which should not be distinctly seen and proved to be beneficial. On the whole, he said, he should vote for the original motion.

Lord Temple said, it was necessary to explain, that this proposed dispatch, condemning the administration of lord Wellesley, had not been prepared till 4 or 5 years after his government had expired. The authorities he had to look to for the guidance of his conduct had not till then expressed any dissatisfaction. It was at the request of the court of directors that lord Wellesley retained the government in 1802. The dispatch of disapprobation had not been proposed to the board of controul till the noble marquis was on the seas to return to his country, and had never reached him. He wished for the production of every paper tending to elucidate the case, but this did not bear on the case, and it went to excite prejudices of the most unjust nature.

Mr. Windham, though sorry to differ from certain right hon. friends of his upon the

present occasion, yet, feeling the question one of great importance, and himself therefore bound to express an opinion upon it, he must give an impartial one; and, therefore, keeping totally out of view all personal considerations, as with respect to lord Wellesley, and considering the question merely as between A. and B. he was clearly of opinion that the papers ought to be produced. For though the house was bound to maintain impartial justice with respect to the character and conduct of lord Wellesley, yet it was not bound to shut its eyes and ears to every thing else upon the great subject of Indian affairs. It would not be fair to give the authority of the court of directors against what had been done, neither would it be fair to give their sanction and opinion as an authority approving of that conduct which the house would be called upon to try. In the present instance, however, there was no great danger of the house being misled by the production of the papers, as the contents of them were already pretty well known. Thinking, therefore, that the production of those papers could be of no material advantage or disadvantage to the case of the noble lord, he was inclined to vote for their production, because he thought that the house had a right to be put in possession of the means of estimating and ascertaining the value of the authority of the court of directors. Although, perhaps, according to the strict rules of one of the courts of Westminster hall, those papers should not be granted, yet he conceived that parliament should not be fettered in the same manner. He could see no objection to the production of the papers in the shape they had been proposed, and as he thought they might convey much useful information to the house, he should support the original motion.

The *Master of the Rolls* observed, that nothing could be more widely different than the grounds which had been taken by the different gentlemen who were for the production of these papers. Some supported it as the means of exculpating the board of directors, and others as justifying the conduct of lord Wellesley; while another hon. gent. seemed to consider, that the great advantage in producing the papers would be to interest the house in the affairs of India, and combine them with the enquiries that were to be made. All parties, however, appeared to agree in this conclusion, that it would be most unjust and unfair that

those papers should have been produced against the noble lord, or on a ground which might be to his disadvantage. The general argument appeared to have been completely answered by the hon. gent. who moved the motion. But the manner of the motion to apply the papers, if granted, appeared to him to be of a degree unjust. Whatever opinion or the conduct of the directors, or of the board of commissioners, would be more unfair than that lord Wellesley should be judged of, through their medium. With respect to that noble lord, the house sat itself somewhat in the nature of a jury, and although it might be guided by the same rules which govern the jurisdiction of a jury, yet it was bound from the substantial principle of justice. He did not feel that the house was to the dilemma which had been proposed to an hon. gent.; but if he had native but to chuse between a false impression to remain, and a body of evidence which was contrary to the established justice, he should prefer the former, and therefore felt himself obliged to support the production of the papers.

Mr. *Alexander* disapproved of the motion, and thought the house should not grant the production moved for, but that a grand jury examining evidence for the purpose of trying the charge, but with a view to suggestions. This practice he considered to be legal and unjust.

Mr. *Fuller* thought it quite proper to refuse the production of the papers to that house, which had obtained the papers out of doors, and which was not entitled to inform gentlemen in the house to which it referred.

Mr. *Wulberforce* said, that his long and private friend the marquis Wellesley, he had heard of delivering his opinion on the subject, but he could not see how the production of that paper could at all affect the fact was, that the paper was produced before the house, and already it was printed in a surreptitious way without the name of any person fixed to it, and circulated in that way. He therefore thought it much better that it should be produced regularly and officially.

of India was, in many respects, an-
ly, and there were two parts that he
it should be kept distinct, namely,
political power and the patronage of

As for the patronage, he thought it
be dangerous to the constitution, if
reat additional patronage was to be
to the minister, and he therefore
it it would remain more safely in the
of the court of directors. As for
at measures, when there should be a
ace of opinion between the court of
ors and the board of controul, he
it the opinion of the latter should
iderate. It appeared to him, that
art of directors should, however, pos-
ery means of elucidating their con-
and manifesting the opinions they held
ia affairs. For this purpose he should
or the production of the paper.

Sheridan said, he perfectly agreed
e right hon. gent. who spoke last,
e court of directors should certainly
n opportunity, at a proper time, of
g the house in possession of their
ents upon the affairs of India; but
not appear to him that the present
e proper time, when the production
paper might have an effect on the
on of impeachment, which the house
o decide on. It had been observed
ry body, that the paper ought not to
ny influence upon that question. It
ore appeared to him better, that it
not be produced until it was deci-
le concluded by suggesting a reso-

“that the altered dispatch of the
April, 1805, had not the sanction of
art of directors.”

Speaker suggested to the hon. gent.
would be necessary first to put the
as question.

A. Hamilton shortly replied to the
ents that had been urged against his
and disclaimed the idea of having
t it forward with any view of prej-
the case of the noble marquis.

Windham observed, that one great
on to the resolution proposed by his
on. friend was, that the house would
lopt a resolution for which they had
ority before them.

Castlereagh in reply to a question
Mr. Fox, stated, that the dispatch
ing the treaty of Oude, in 1803, had
st drawn up by the court of direc-
rd altered by the commissioners of
rd of controul. In every thing that
relate to questions of war or peace,

VI.

the dispatches originated with the
directors.

Mr. Jervis was of opinion that
might arrive when it would be
produce this paper; but he thou-
not proper now. The house ought
receive any thing against lord
that would not be received in a
equity.

Mr. R. Thornton said, the house
to him to be in a great error in
fact. The court of directors
written a dispatch, which censure
some part of lord Wellesley's con-
board of controul altered that dis-
great many respects, and softened
veral of the expressions; but still
mained was, as far as it went, th
of the court of directors. A r
gent. had conceived an improp
of the court of directors, if he
they could be absolutely forced t
pers contrary to their opinion.
were no other way of avoiding t
had at least the liberty to resign t
tions.—The question was then e
and, on the house dividing, there

For Lord A. Hamilton's motion
For the previous question

Majority for the previous question

List of the Minority.

Andover, Lord	Moore, P.
Babington, T.	Paul, J.
Fane, —	Porcher, J.
Fonblanque, J.	Præd, W.
Francis, P.	Prinsep, J.
Fuller, J.	Roberts, J.
Grant, C.	Thellusson,
Huddleston, J.	Thornton, I.
Hutchinson, C. H.	Wilberforce,
Inglis, sir H.	Windham, A
Keck, A.	TELLE
Laurence, F.	Hamilton, L
Mills, C.	Johnstone, C
Mills, W.	

[INTERCOURSE BETWEEN AMERICA
THE WEST-INDIA ISLANDS.] *M*
pursuant to notice, called the att
the house to the intercourse bet
United States and our West-India
The right hon. gent. entered into a
account of the trade of the colonies
manner in which they had been
with provisions and lumber, prev
relaxation of the navigation law,
to allow them to receive supplies
articles from the United States, &
shipping of America. When the fi
cation was made to govt. to grant
diligence to the West-India pla
commission of enquiry was appoin

it was found that the necessity stated by the planters did not exist, and that the apprehensions of scarcity, which they then expressed, were groundless. A strong reason against complying with their wishes arose out of the importance of this branch of trade to our commercial interest and our maritime strength. In fact, it appeared that before the American shipping were allowed to trade with our colonies, we had in that employment no less than 937 ships, of 110,000 tons, and 6,500 seamen. But since the exclusion of American shipping had been released, to which gentlemen felt it necessary to assent in the year 1793, a diminution of a most alarming nature had taken place in the quantity of our shipping in the colonial trade. In fact it was reduced to 167 ships, of 19,000 tons, and only 1,300 men. Such was the consequence of this relaxation. But yet, great as the sacrifice was, government was urged to accede to it for the accommodation of the planters, for the supply of the colonies. The concession was however made to the pressure of strong necessity, and if a similar necessity should recur, he would not be disposed to resist a similar concession, always, however, letting the responsibility for such acts lie with the governors of the islands. He had heard that it was intended to transfer this responsibility to the ministry at home; and he deprecated such an intention. He was sure it would be dangerous, and that, if responsibility were withdrawn from the governors, it would fix no where, and the consequence would be, that the trade with our colonies would be thrown open altogether to the Americans. The colonial governors would surely be the best judges of the existence of any necessity for the admission of American ships. Indeed, that necessity, if he was rightly informed, was not likely again to occur, if measures were taken to enforce the provisions of the navigation act. If American ships were altogether excluded, he was assured that there were numbers of British ship-owners, who would be ready to freight a sufficient number of British ships, to carry every necessary article from America for the supply of our colonies, and afterwards to bring home our colonial produce. To enforce the exclusion of the Americans was necessary, in his own American colonies, from an account of the number of ships, was computed with more

supposition, and yet those expected to decrease in wealth and the United States advanced hon. gent., with a view to the house the importance stated the various interests involved; he particularly directed consequences resulting to the Co. from the intercourse of our colonies. The fact was, that of our East-India produce, a way of late either to the British colonies but through America. That our colonists could market for their rum, if not all course, was an assertion of no weight; and it was that it would tend to throw ment in the way of our standing with America; if laws were rigidly enforced could not, consistently, a resolution to maintain that for so long a period, the but which was, in fact, on mental laws of every maritime there was no rich state to did not maintain a monopoly of its colonies. Under all the he warmly recommended enquire into this subject before they attempted to the design ascribed to them of the ship-owners, the plant the manufacturers, and the all of which were concerned ought to be well weighed. Towards the planters he a liberal disposition to accommodate much interested in West-I having himself a large estate would consent to no which threatened such as Great-Britain, as the report ministers was likely to proclaimed, as the conviction of if the salutary restraints of law were enforced upon it from even its present reductions of our colonial trade that we should soon employ from 100 to 150 thousand men and from 8 to 10 thousand right hon. gent. concluded w

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guishing each year.—2. An account of the number of ships, their tonnage, and number of men employed in the same, which belonged to the British West-India islands, and the British colonies on the Continent of America, and which were employed in the trade between those islands (exclusive of settlements captured), and the Continent of America, from 5th Jan. 1792, to 5th Jan. 1806; distinguishing each year, and distinguishing those trading from the West Indies to the United States, from those to the British Continental colonies.—3. An account of the quantities of provisions and lumber imported into the British West-Indies, (exclusive of conquered islands) from the United States of America, and from the British Continental colonies respectively, from 5th Jan. 1793, to 5th Jan. 1806, so far as the same can be made up; distinguishing each year, and distinguishing the quantities imported in British ships, from those in foreign ships.—4. An account of the quantities of rum, sugar, coffee, and cotton wool, exported from the British West-India Islands, from 5th Jan. 1793, to 5th Jan. 1806, so far as the same can be made up; distinguishing each year, and the quantities to the United States, to the British colonies on the Continent of America, and to Great Britain respectively.”

Lord *H. Petty* had no hesitation in avowing the intention to make that transfer of responsibility of which the right hon. gent. professed to disapprove, and he had no doubt that it would prove to be a most beneficial change. The house and the country must feel, that the most convenient way of supplying our West-India islands was from America; and the object of the proposed arrangement was, that this supply should be regular; that the colonies should be protected from the scarcities and fluctuations of supply, which had been productive of so much calamity and desolation. It was material to humanity and justice, that some fixed determination should be come to upon the subject. Sooner than leave it in its present state of uncertainty, it would be even better to declare, that the islands must be wholly supplied from G. Britain. It was highly necessary that some system should be established, and that matters should not be left to the discretion or cession of governors. The conduct of the last administration, to which the measure belonged, shewed that the relaxation of the law, which the right hon. gent. would now draw

so tight, was necessary to the provisional subsistence of our islands, for they relaxed that law both during war and peace. As to the right hon. gent.'s allusion to the capacity of our American possessions to supply our islands, that could be best judged of by this fact, that these possessions found it necessary themselves to apply to government for a relaxation of the law in their own favour, in order that they might obtain provision from the United States. The scarcity which produced this application was, no doubt, in some measure, the effect of accident; but yet, in providing for the subsistence of men, he would, as much as possible, guard against the recurrence of even accident. The noble lord concluded with remarking, that, although he felt the proper time for the discussion of this subject would be when the general question was under consideration, still he could not persuade himself to withhold the observations he had made.

Lord *Castlereagh* said he could never consent to any measure that went so materially to affect the commerce and shipping interest of the country as the one about to be adopted by his majesty's ministers. The rule had been, and it was the rule he always wished to see observed, that whenever such importations as those in question were permitted, the persons permitting them should act not according but contrary to law; and that it should afterwards be in the discretion of parliament, according to the nature or necessity of the case, to indemnify them for their breach of a positive law.

Mr. *Fuller* said, there was a certain fatality attending some men, which was that they never were able to abandon any opinion they had once adopted, however erroneous it might be. This seemed to be now the case with those who in their devotion for the navigation laws, would suffer the West Indies to be ruined, and their inhabitants starved for want of necessities. Had not the governors of the islands permitted the importation of provisions, the inhabitants of the islands would have perished. But governors might not always be disposed to act on their responsibility, and the islands might be in want. He wished to know how they could be supplied by British ships? At this moment we were not able to get seamen to man our navy, much less to send ships out to carry on a circuitous trade to America, and thence to the West Indies. The export of

ce of the right hon. gent.'s arrangement could not be difficult to anticipate. It must lead to one or other of two effects: either to drive 300,000 able, brave, and ardent men, to lay down their arms altogether, and quit the service just, or, if not, to keep them in at a state of comparatively less utility to the country. For what was proposed must not operate to degrade the volunteers in their own opinion, and in that of the country also? Was it not, in fact, to make the volunteer corps a stigmatised asylum from the operation of the compulsory levy? Could any man doubt the justice of this statement who had attended to the right hon. gent. on a former occasion, or who recollected the uniformity of his remarks upon the volunteer question? The right hon. gent. appeared to have a good deal of his hostility to this institution on the expence which it occasioned, and therefore it was extremely desirable that the house should be informed of the amount of that expence, distinguishable from the different heads of expenditure. If this account should be laid on the table, it would be seen what part of the objection complained of, could be disproved; and gentlemen would have an opportunity of comparing the amount of money to be laid out with the value of the service. It would be also seen what proportion the amount of this expenditure bore to the produce of the income tax, which the right hon. secretary alluded to. Doubtless, the expence hitherto incurred by the volunteers was considerable, but he had no difficulty in saying that a great part of that expence was such as could not be repeated again, and therefore could form no argument at present in support of a measure which was calculated to disband a considerable part of that body, and to disgust the volunteers. There were, in fact, many heads of expence upon which the expence might be saved altogether, without at all working

feel much satisfaction if it could be proved, because parliament and the country would then have an opportunity of comparing at once the expence, and the services also, that were to be looked for from the two systems, and of examining the comparative value. If the expence of the two should prove to be equal, it would be for the house to consider, whether the proposed change should take place? Whether Englishmen, who voluntarily stepped forward in the hour of peril, should be commanded, to make room for a reluctant, and strained levy? It was the first time that such a proposition had been made in the country, and it required but a little consideration indeed, to estimate the difference between the two kinds of service. Surely it was, that parliament could hardly be persuaded to adopt a measure of forcibly training, particularly where they felt it to be unnecessary, and if they felt it to be unnecessary, they must feel it to be unconstitutional. For whatever he might think of the right of the state to call upon the population of the country to arm in its defence; however he might conceive of the prerogative of the crown entitled to summon the whole people together, and to remember to have carried that doctrine further than the right hon. gent., still he always felt the right and exercise of the prerogative to depend on the pressure of the necessity. But he could not imagine the degree or nature of the necessity which could justify the compulsory levy of 200,000 men, in preference to the employment of 300,000 able, well-disciplined volunteers. Whether such a measure should be taken, it would be for parliament to determine; but, in order that it should be enabled to determine justly, he thought the fullest enquiry should be made. Having said so much as to the object of his motion, the hon. gent. proceeded to comment on some late proceedings out of doors upon this subject. The volunteers formed, he

was well aware, rather a delicate question at present. Considerable agitation and ferment prevailed abroad respecting it, and nothing could be farther from his wish, in introducing this motion, than to increase in any degree a ferment of that nature, the existence of which every thinking man must regret. It would, therefore, be a great misconception of his object, to suppose that by this motion he meant to encourage any disposition to discontent among the volunteers. He should most sincerely deprecate any thing that could contribute to such an effect. Indeed it was seriously to be deplored, that the volunteers, or any other description of persons, should take up any impression from the mere proposition of a measure in parliament, as to what parliament was likely to do. For just in the same degree that any such measure was unjust or unwise, or likely to press severely upon them, should any portion of the people feel that parliament would not feel disposed to adopt it. The people should at least wait until the decision of parliament was known. And until that decision, instead of apprehending evil, their presumption ought to be, that such a measure would not be adopted. The character of parliament, and the just respect which the people entertained for it, should naturally incline the public mind to that presumption. To the volunteers he particularly addressed these observations; and to indicate a disposition different from that he recommended, would on their part, to say the least of it, be impolitic and unwise. For any indecorous conduct, at present particularly, must be injurious to themselves and their advocates, by furnishing to their enemies the strongest arguments against them. He felt, however, that it must be confessed the disgust and discontent of the volunteers was, in a great measure, excusable. It was very natural for them to complain when they heard language used respecting them by a government composed, for the most part, of men who originally encouraged their formation, and who almost uniformly panegyricized their conduct. When they saw any part of such a government, instead of patronizing them, manifesting a wish to throw impediments and obstacles in their way, the same feelings which led the volunteers to quit their habits and employments to prepare for the field of war, must now dispose them to chagrin and disappointment. When they were held up as a disgrace to the military

profession; when told that it was degrading to the army that they should be dressed in the same uniform with them; that it was an affront to military officers, that volunteer corps should have any thing like similar distinctions. That although their want of discipline had been the general complaint heretofore, the remedy now proposed was to relax that discipline—it was no wonder if the zeal of the volunteers was in some degree damped, and their dispositions soured. But still they should not suffer themselves to be agitated, but wait in respectful confidence the decision of the legislature. The hon. and learned gent. concluded with moving for “An account of all sums issued and expended for the service of the volunteers of Great Britain, from the commencement of the present war to the latest period at which the same could be made out, distinguishing each year, and also each head of service.”

Mr. Secretary Fox did not rise to object to the motion of the hon. gent., because, without such a motion, it was intended by his right hon. friend (Mr. Windham) to lay this document before the house. But the hon. gent.'s speech and his motion being far from the same thing, he must say, that although he acquiesced in the one, he very much objected to several parts of the other. The hon. gent.'s observation, that the volunteers should, before they took a strong impression as to his right hon. friend's plan, wait the decision of parliament, was certainly unexceptionable; but he could not help observing that that sentiment very ill consisted with other parts of the hon. gent.'s speech. When a person of understanding, competent to conceive the proceedings of that house, was found to misrepresent words which it was impossible to misconceive, it was not difficult to infer his object. Nothing could have been more explicit than the meaning of his right hon. friend. When he alluded to a relaxation of discipline, he meant merely that the volunteers should only be seldomer called out to exercise, and that being obvious, it ought to have been beneath the hon. gent. to catch at words. Was it possible that the hon. gent. could be so mistaken as to understand that any intention existed of disbanding the volunteers? Sure he was, that if his right hon. friend entertained any such intention, he had concealed it from him. That his right hon. friend said any thing, on the day alluded to, to warrant such an inference, he most peremptorily and absolutely de-

nied. It would have been rather more becoming in the hon. gent. to have waved any remark on this plan until it was perfectly understood; for it was quite clear that he did not understand it; and it was much to be regretted that some industry was made to propagate a similar misunderstanding throughout the country, but, thank God, with very little success! With respect to the use made by the hon. gent. of the word "asylum," it could only have been applied by his right hon. friend to the volunteers, as the body which those men in the higher classes of life, who might wish to be exempted from the compulsory training, would naturally choose. The hon. gent. talked of substituting 200,000 men, trained according to the new arrangement, for 300,000 disciplined volunteers. But the hon. gent. did not seem to recollect that it was not 200,000 men merely, but the people of the country in rotation, that would be trained, in addition to the volunteers. The only change on the whole, in the volunteer system, was merely to retain those only who should serve without pay, and that would be conformable to the original principle of their formation. Therefore, the change could occasion no murmurs, unless men were pre-determined to complain. He was sorry to hear of the existence of any discontent, although he was persuaded that it could proceed only from misconception. But when the hon. gent. deprecated any intemperance on the part of the volunteers, lest it should furnish their enemies with arguments against them, he would wish to know whom the hon. gent. considered the enemies of the volunteers? For he knew of no such persons in that house. The hon. gent. might say whom he suspected, but he rather believed that he would feel it difficult to state the grounds of his suspicion. That a difference of opinion prevailed upon this question, both in and out of the house, he was perfectly convinced. He could not hope for unanimity. But, upon a fair and full understanding of the measure, he had little doubt that the number of its opponents would be comparatively very few.

Mr. *Perceval*, in explanation, said he might have misunderstood the meaning of the right hon. secretary, as it was now explained. But from the words used, and the concomitant circumstances, of allowing no drill sergeants, no inspecting field-officers, no permanent duty, he left it to the house to judge, whether he was not warranted

in making the interpretation. The right hon. gent. might say, he had explained himself to mean, by relaxation of discipline, only a reduction of the number of days of exercise; but he gave the right hon. gent. to understand, that there had been no misinterpretation of what he had said, farther than what he had said was naturally calculated to suggest, till it was explained. No wilful misrepresentation was intended. The right hon. sec. who had spoke last, possessed a key to the right hon. gent.'s meaning, which he did not possess; but he appealed to the house for the fairness of the meaning he had assumed, before he was corrected by the explanation of this night. He was glad, that he had been in any way the instrument of drawing out the declaration, that it was not the intention of his majesty's ministers to diminish the volunteer force.

Mr. *For* in explanation said, the hon. gent. was equally called upon to acquit his majesty's ministers of having done any thing offensive to the volunteers.

Lord *Castlereagh* had never heard any speech of the right hon. gent. with more pleasure than that which he had now closed. Whether from the discontents expressed in the house, or those expressed out of it, or from whatsoever cause, the bill brought forward was extremely different from the opening view of the right hon. gent. who had brought it forward. He wished that the amendment might be carried still further; that the branch of the military establishment appropriated to foreign service, might also escape the innovating grasp of the right hon. gent.; and that the destructive reform he meditated might be sacrificed either to the public disapprobation, or the right hon. gent.'s own better consideration. He should be sorry to pin any man to a particular expression that might have escaped him in the warmth of debate; but the expression alluded to, was too distinct to be liable to misunderstanding or misinterpretation. The right hon. gent. had expressly spoken of loosening the discipline of the volunteer force. The right hon. gent. had besides opened his speech with lamenting, that the stage was occupied by the volunteers. The right hon. gent. might not have been prepared to proceed to the immediate dissolution of the volunteer force; but he called on the house to recollect, that the right hon. gent. in agreeing to grant clothing for this year, expressly withheld himself from any pledge

to grant it in any future year. He called on the right hon. gent. to say whether he had not expressed himself to this effect. He knew the right hon. gent. was too manly to deny it. The right hon. gent. had said, that the volunteers were prepared for a service to which they were wholly inadequate; and that whatever the inspecting field officers might say of their fitness to serve in the line, they were wholly unqualified for that service. But however the term of loosening the discipline might be explained, a material change was to be made by taking away the drill serjeants, and the inspecting field-officers, the only point of contact with the government the volunteers had. Instead of being in a situation where they could be of essential service to the country, they were to be sent back to their homes. In every step, from the highest retrenchment of the staff, to the lowest retrenchment of the drill serjeants, every thing short of absolute disbanding was proposed, in the reduction of the volunteer force, with a view to an armed populace, or a drilled mass. Was it possible to conceive such a military body as a drilled mass without officers, to be taken out of the people, and after 25 days of drilling, after being shewn the use of the musket so far as they could learn it, to be sent back again among the people, whether with or without the muskets, to the use of which they would have been trained, the right hon. gent. did not say. If this mass was to be thus trained without officers, how was it possibly to be collected in case of invasion?

Mr. Francis to order, asked whether this was a motion on the general subject of the volunteer force? for if it was a mere motion for papers, it was very wrong to go into it at such a length without notice.

Mr. Paull stated the right to the attention of the house to belong to his motion, of which a long notice had been given, and not to this of which there had been no notice.

The Speaker said, there had been a notice of the motion for papers relating to the volunteer force. The motion had certainly branched out into a more general range than such a motion seemed to require. But it was in the discretion of the house to permit or to restrain such extraneous proceedings. He did not feel warranted in interposing to check it before, nor did he now.

Lord Castlereagh said he had been natu-

rally led into a comparison of the volunteer force with that which the right hon. gent. meant to substitute that so material a change in what the right hon. gent. All the regulations proposed to produce practical discipline, and diminution of

Mr. Windham was glad his friend had stepped forward and learned gent. who had brought this motion. He had been led into an agitation which quite fit for him to stand poignancy of the wit of the learned gent. who had introduced this sort of figure of speech which excited which it was fit to keep before the house bearing address to feelings of the learned gent. Part of the arguments urged on this side, applied to questions discussed at another time, sure that gave rise to a contradiction should be before the house part called not so much for flat contradiction. It was a disguised mistatement of what the learned gent. said on a former night. He had said, but he had never said that had been imputed to him. The right hon. gent. had expressed an anxiety to explain the object of his motion. That was clear, and he was very sorry if the learned gent. had been as perfectly successful as he was. It was a kind of warfare, resorted to in some cases before, but now adopted by the hon. gent. on the other side every passion right or wrong of no, no]. That was at least of what had been said; might not be parliamentary directly, he was more justified from the speeches of the learned gent. than they were in collecting the substance of this night from his gentlemen might, if they thought a system of parliamentary discipline wished them to abstain from making his speeches, and misinterpretations the foundation for attacks upon him. He should follow the contradictions in their order, but that the learned gent. had called

the Levy en masse, his right hon. had so fully vindicated him from it, was almost ashamed to revert to it. The object was, that persons who from situation and rank in life would be to being trained in the general should have the option of being in a more congenial manner in the volunteer force. It was on the same principle that the volunteer system was formed on the basis of the Levy en masse act. Exemptions from the militia, and the inducements to enter into volunteer force, were made matter of reproach to the volunteer force. He did not make matter of reproach; but the learned gentleman did, in making them matter of contention between the volunteer training, and the Levy en masse. And by whom was this contention made? The learned gentleman was the author of the army of reserve bill, by which 50,000 men were to be raised, who were given to the volunteers an exemption from his act and from the militia, and who as his noble friend (lord Temple) had properly reminded him, given it as an opinion, that a volunteer could not refuse [hear! hear!]. Yet he was the person to come forward now, and to say the volunteers were degraded by the admission of those who preferred voluntary training to training *en masse*.—He came now to the charge of relaxing the discipline. It was rather singular, that, in a speech which, as well as others had thought long for an occasion, this was the only point he fasten upon as a subject of discontent to a large body of men whom the learned gentleman and his friends found it content to agitate. Perhaps, critically speaking, the word relax might have been a better word—[a laugh from the side]; the hon. gentleman might feel amused that the house would recollect, that allusions of this nature would be nothing more than mere verbal criticisms. The learned gentleman.

among others, was a reason for getting rid of them. How the learned gentleman who must have known that the application of the word relax was confined to the points, could give such a latitude to it, he was at a loss to conceive. In himself he felt awkward at being put upon a justification, when he was so perfectly unconscious of any thing wrong. The whole of his alterations in the volunteer system consisted of a few subordinate measures of economy, which could have no effect one way or the other. They went merely to put the volunteers on the original footing of voluntary service, a footing on which 300,000 of the 350,000 now existing were ready were. The object was to reduce them from the June to the August allowances. There were now but 50,000 on the June allowances. If this could have the effect of disbanding the volunteers, of whom 300,000 were already on the allowance which all were to be reduced; it was matter of astonishment to him, as it would be to all the world. The proposed arrangement would have no other effect than that of placing the allowances on the footing on which they had been at first, and on which it was acknowledged to be desirable that they should be. The tendency of his proposition was rather to add to than to diminish the numbers of the volunteers. There was nothing done to disband, and those who would find it eligible to go into the volunteers to avoid the training *en masse* must *pro tanto* be an increase. To leave the allowances as they were, without an increase, must have the effect of doing what he did. The bill only went to put into the mass those that would not serve at their own expence, and to take out of the mass those who wished to serve at their own expence. As to the general argument on the measure, he would reserve himself till a future occasion, as the learned gentleman ought to have done, if he had contented himself with moving for papers, &c.

the production of which he must have known, there was not the smallest objection. When the learned gent. made a speech of such length, in such language, and with such matter, it was fair to impute to him objects different from his mere motion. He had not the smallest objection to the production of the papers.

General *Tarleton* congratulated the house on the difference of the right hon. gent.'s sentiments this night from what he thought on the night on which he brought forward his measure. Every one must remark the vast difference of tone, language, and manner. In the short sketch of the former night the right hon. gent. took away from the volunteers their drill-serjeants and their inspecting field officers, thinking it sufficient that they should be seen some time in the year by the lord lieutenant or his deputy. That must indeed relax their discipline. The difference of tone that was observable this day, must be imputed to the sense the country had manifested on the contents of the speech made by the right hon. gent. on a former day. Resolutions had been entered into by many corps, which had been submitted to his majesty's ministers. He had seen many such resolutions, and had recommended to wait patiently till Mr. Windham's system should be fully explained. The right hon. gent. and the house would pardon the irregularity of mentioning the name; but the system was known, as Mr. Windham's, in contradistinction to all others that had ever existed. The object of the motion was to simplify and elucidate the statement of the right hon. gent. The right hon. gent. had stated that 5 million had been expended in three years for volunteer service; and the question was, whether there was in that service merit adequate to the cost? The merit of the service was unquestionable: and was service of such unquestionable merit to be recompensed only by the refusal of rank, as if they were unworthy of it, by telling them, that the colour of the army was degraded by their wearing it? This was a mode of increasing the strength and security of the country, which could not easily be paralleled.—The question was then put, and the paper ordered.

[*AFFAIRS OF INDIA.*] Mr. *Paull* rose, in pursuance of the notice which he had previously given to bring forward his First Charge against marquis Wellesley. The hon. gent. said that it was not now, nor had it ever been, his intention to

trespass, at any unnece the time of the house, advanced hour of the ev attention must have bee gree, exhausted by a discu much local importance He should barely state t charges he meant to brii the manner in which he n in following them up. If be asked of him, why he in this business? or why it to the discretion of the themselves, to have instit as being the parties to who properly belonged? To answer, that finding the to some of whom he ha subject, averse to urge an certainly did volunteer, an in the case of the Nabol Ferruckabad, because he acquainted, from his own the whole of the circumsta fore felt it his duty to brin ward. Before he had deter had applied to that body, w noble marquis had so profit whose orders he had so uni sed, and whose authority d disregarded; but they had ceeding. It was not a ta taken as one agreeable to l could yield him any persa but one which he had assi lic grounds alone, and t imperious duty as a me ment. The task had been ly arduous. It was one of directors were in duty undertaken; and by their he had no hesitation in sayi the crimes of the marquis however, where there w might in time be virtue, a at last seem to be sensible dereliction of duty:—some conduct, might however b ignorance they were so l criminal withholding of by the accused nobleman. given notice of his intent ward the accusation, and e mination to follow up h court of directors were sc criminality of that noble had drawn up an indictme abounding with charges of sai and flagitious nature,

strong as ever were submitted to the decision of a court of criminal judicature. In bringing forward those charges at the present moment, he lamented extremely the absence of a noble lord (lord Folkestone), who had done so much honour to himself and to the cause of justice, by his conduct on this occasion, and who, had he been present, would have given him the most cordial support; and nothing but a state of illness, which rendered him unable to attend, could have occasioned his absence that night. For the manner in which the Charge was drawn up, he must beg leave to apologize, and to appeal to the indulgence of the house. Its merit or demerit was exclusively his own. Scarcely known, as he was to the house, and unaided by any associated support or influence that could tend to facilitate his purpose, he felt much difficulty to form his charges: for any professional aid on the occasion he had not applied. In the course he had adopted, he had endeavoured, to the best of his judgment, to found himself on precedent. He should read the statement containing those charges to the house, as part of his speech, and should lay them upon the table, then it would be his object to move, that they be taken into consideration at some future day. The hon. gent. then proceeded to read, the several heads of charge against marquis Wellesley. It was extremely difficult even to catch the substance with any degree of accuracy. The statement commenced with recapitulating the appointment of the noble marquis to the chief government of Bengal, about the middle of October 1797, as successor to lord Teignmouth, and that he reached the seat of his government in May 1798: in which he continued until he was superseded by the marquis Cornwallis's re-appointment to the government in August, 1805; and that the said marquis Wellesley, though he was solemnly sworn to obey the instructions of his employers, and do every thing in his power, and to the best of his judgment, to promote and support their just and lawful interests in India, yet instead of so doing, on his arrival in India, he disregarded their authority, disobeyed their instructions, assumed to himself a despotic power, turned his back upon the true interests of the company, and did without their permission, and contrary to their instructions, for the gratification of his own caprice, with the most flagitious profusion, and for corrupt purposes, squander the money of the said

company to an enormous extent. It cited also the charter granted to the company by parliament in the year 1793, on the express condition that, in consideration thereof, the company should annually to the government, out of the surplus profits of their trade, after deducting the necessary expences of conducting their affairs, the sum of 500,000*l.* annually; assets of the company in England to answerable for such payment, and subject to an interest of 15 per cent.: but that in case of a war in India, or any other reasonable cause to prevent the regular payment of the said annual sum, upon representation from the company to his majesty's ministers, it should be lawful to defer the payment, and the debt so due be funded by the company, as due to government, charged with an interest of 6 per cent. But that the company had never paid any part of that sum. In consequence, a debt to government of 6 millions had accrued; but the deficiency of surplus, and the consequent inability of the company to pay this sum, had not arisen from any cause of war, but entirely from the misconduct of the said marquis Wellesley, who had most profusely, lavishly, and shamefully squandered the property of the company, and neglected those interests, which, by engagements the most solemn he had sworn to promote with vigilance and economy; whereby the said company were not only involved in a debt of several millions to the government, but debts also to the amount of many millions, had been incurred in India, at an increasing interest of 6, 8, 10, and 12 per cent. The result of which was, that the debt of the company, which, on the accession of marquis Wellesley to the Indian government in 1793 stood at 11,033,648*l.* was, on his departure from that government in 1805, increased to above 31,000,000*l.* That when marquis Wellesley first arrived in India every part of the company's affairs wore an aspect of prosperity: it had, therefore, only remained for him to have acted with an ordinary vigilance, and to have followed the example and the system of his predecessor. Instead of which, the said marquis Wellesley, by wantonly and profusely increasing the public expenditure, did not only squander all the ordinary means in his hand, but all the additional money he was able to raise by loans and additional taxes, supporting a wanton and profligate style of living, unparalleled in the case of

any former chief governor of that country, inasmuch that he was driven by his extravagance to attempt the selling of the imposts upon the lands of Bengal, and he so much embarrassed the finances and affairs of the company, as to endanger the loss of their territory. The statement next proceeded to recapitulate the contents of the letter received by the court of directors from the marquis Cornwallis, dated in August 1805, when sent out to India for the purpose of superseding marquis Wellesley, in which he gives a deplorable statement of the company's affairs, arising entirely from the profuseness of his predecessor in squandering the resources of the company, one branch of which was his keeping up unnecessarily an army of irregular troops at an enormous expense, which the marquis Cornwallis found it absolutely necessary to disband, in order to avoid losing the means of defraying the charges indispensable for the maintenance of the regular army. The noble marquis, in disbanding those troops, stated, that he adopted the measure unavoidably, as the lesser evil, at the risk, certainly, of their engaging in other service inimical to the company, but considering them much less formidable to meet in the field, than to retain them in pay, at an expence which must absorb the means of paying the regular army; that in order to clear the arrears of pay due to those irregulars, he had been under the absolute necessity of detaining the treasure of the company destined for the China trade, to the amount of 250,000*l.* Having gone through many other items on the letter of marquis Cornwallis, already before the public, the statement next alluded to the war which broke out in the month of March 1799, with Tippoo Sultan, which ended with the taking of Seringapatam and the death of that tyrant; that the consequence of that war was, that enormous sums of money were extorted by order of marquis Wellesley from the Nabobs of Oude, Arcot, Ferruckabad, and some others; after which commenced the Mahratta war in 1804, which was terminated in the course of the year; and so far from the expences of those wars being the cause of those embarrassments of the company's affairs already stated, it appeared, from letters of lord Wellesley himself to the court of directors, that, by the treaty of Hydrabad, the annual revenues in the provinces that then became tributary increased their income above 544,000*l.* a year, and there-

fore that any argument founded upon the pretence of warlike expenses could not, as would appear from marquis Wellesley's own letter, dated the 1st September, 1803, interfere with the causes of the inability of the company to pay their annual engagements to the state. That except the wars before mentioned, the said marquis Wellesley was engaged in no other war during the period of his government, except that with Holkar, if war it could be called; and except that with the Rajah of Bhurt pore, in which the only loss sustained was the loss of lives and of honour. That therefore, not wars, but the unexampled prodigality and wanton profusion of the marquis, were the true causes of the embarrassment of the company's affairs; a profusion and extravagance engaged in with the most sinister, vicious, and corrupt views, and in defiance of the authority, and in contempt of the orders of his employers. The embarrassment partly arose from new-modelling the criminal courts of Bengal; from increasing, wantonly and unnecessarily, the number of their officers, and giving large salaries to his friends and favourites; in the expenditure of an enormous sum for the establishment of packets, and granting large salaries and sinecures to his followers, (amongst which was the grant of 1500*l.* a year to sir William Burroughs,) amounting altogether to the sum of 1,300,000*l.*; the erection of a college at Fort William, without the authority of the company, which cost 181,689*l.*; an unnecessary journey of the noble marquis, in 1801, to the upper provinces, in which the most extravagant expenditure took place, one item of which was for 1100 boats, and the whole charge 30,000*l.* There was a charge also of 220,000*l.* for the erecting and fitting up a palace for the residence of the marquis, which was decorated in a style of splendour unparalleled even among Eastern princes. There was a charge for a house and garden for the noble marquis at Bhurt pore, 15,000*l.* Besides all this, there was a charge for reviving a body guard of cavalry, which had been put down by sir John Shore, who, on a principle of economy, was satisfied to be attended on state occasions by a party of the garrisons commanded by a captain; but marquis Wellesley resolved to revive this body, and to increase his own splendour; and it was maintained, for the first five years, at an annual expense of 40,800*l.*; and for the whole period, including for horses, accoutrements,

and outfit, the sum of 240,000*l.* There was also a large sum advanced by the marquis for building a town-house for the citizens of Calcutta, the cost of which was afterwards to be reimbursed by them in such subscriptions as could be obtained within four years; a statue of lord Cornwallis was designed to be erected in the town-house, instead of which it was thrown amongst the rubbish, in the vaults under the building, and an expensive statue of lord Wellesley erected in its place, and this at a time when an arrear of five months pay was due to the troops. The next charge against him was, the appointment of his brother, the honourable Henry Wellesley, in 1801, to the government of Oude, with the title of governor and commander in chief, and at an expence, in thirteen months, of above 26,000*l.* which exceeded the annual allowance of the company to the governor-general. He arbitrarily retained in his own hands, to the exclusion of all authority or interference from the court, to the amount of 628,206*l.* per annum, and under the influence which such a patronage enabled him to exert, he procured addresses from every part of the country, in approbation of his justice, conduct, and services; and further, although the trade laws of the country strictly forbade him to accept any money from the people of the country, in consideration of his official authority, yet he received for the luxuries of the table, and other purposes of his own private gratification, no less a sum than 120,000*l.*; and while he was thus misapplying such enormous sums of the company's property to the most corrupt and profligate purposes, and for the maintenance of his household and establishment in the most gorgeous style of splendour and profusion, he was supporting those extravagancies by loans borrowed in the name of the company, nominally at an interest of 12*l.* per cent. but, from the manner in which they were raised, at a real interest of 16*l.* per cent. Throughout he had set at naught the authority of his employers, and acted in direct opposition to his instructions. Mr. Paull concluded his statement by saying, he had read it as part of his speech, and should now move that it be ordered to lie on the table.

The *Speaker* observed, that he apprehended that could be no question. From the journals of the house, and from other information that he had received, he found that there had not been many instances of im-

peachment in this form; that he did not find that there had ever arisen a question on the right of a member to put in articles of charge, and have them read. Here, however, the right of an individual ended, and there had always been some motion made, on which the house had an opportunity of expressing their sense. Various modes had been adopted for this purpose. Sometimes by proposing to call witnesses to establish the charges; and in other, and latter cases, by proposing that the house should take them into consideration. On the whole, the house would judge of the importance of preserving to individual members, the right of presenting articles of this description, and of preserving to themselves as a body, the right of deciding whether or not they should be entertained.

Mr. Paull, agreeably to this suggestion, moved, and the title of the charge was shortly read by the clerk. He then moved that the charge be taken into consideration, with a view to appoint a future day for that purpose.

The *Speaker*, in addition to his former remarks, stated, that in modern times there was still another mode of procedure, which was to print the charges, and refer them to a committee of the whole house. It was competent to the hon. gent. to move, that this charge be printed, and then taken into consideration.

Mr. Paull, in compliance with this intimation, moved that the charge be printed, which was ordered; and also expressed his intention on some future day, probably in the course of the present week, to introduce other charges against marquis Wellesley; and when a sufficient time had been given to allow the members to understand them as well as he did himself, to proceed. He meant to follow the same course with the charge which related to lord Wellesley's conduct to the nabob of Furuckabad as in the present, namely, to print it, and on some future day to move, that it be taken into consideration.

The *Speaker*, as the hon. gent. had submitted no question to the house, felt it his duty to call the attention of the house to the former proceedings on similar subjects, which prescribed some motion either of adoption or of rejection. If the hon. gent. was unwilling to propose any such motion, it was open to any other member to do so.

Mr. Paull said, that he had produced a charge, which he conceived would be amply supported by documents that could be

furnished by the court of directors. He did not pretend to such a knowledge of the journals of the house as to enable him exactly to say what was the preferable mode of proceeding. He should move, however, that the charge be taken into further consideration this day three weeks.

The *Speaker* enquired, who seconded the motion? After a considerable pause,

Mr. *Paull* observed, that he could only say, if the noble lord to whom he had before alluded (lord Folkestone) had been in the house, he should not have wanted a seconder.—Another pause took place, when sir W. Geary rose and seconded the motion.

Mr. Secretary *Fox* observed, that the hon. gent. had laid before the house a serious charge against the marquis Wellesley, but he had not told the house what were the documents to be adduced in support of that charge, nor when they were to be laid before the house; besides, he had given notice of his intention to bring forward two other charges. He understood the hon. member really had no documents, though he had proposed a day for discussion; but if, when that day should come, the hon. member should not then be provided with any documents in support of his charges, he trusted the house would not allow of farther delay. He acknowledged that it was the right of every member to produce any charge in that house; but if the member producing it, should name a day to take it into consideration, and afterwards not be able to substantiate it by documents, he would find himself in a very unpleasant, and in a very awkward situation. The hon. gent. was to judge for himself. He would recollect that he proceeded at his peril, and if he had at present no documents to support his charge, he should lose no time in moving for them, as without them, he would stand in the place of a person bringing forward a charge without any documents to substantiate it.

Mr. *Paull* said, it did not remain with him to enforce the production of the necessary documents: he had a list of them in his hand, and should move for them this night; but if they should not be forthcoming on the day he had named, he should hope the house would indulge him by deferring the discussion until the papers should be produced.

Mr. *Lee* thought the hon. gent. had not proceeded in this case as he had professed, by adopting the precedent laid down by Mr. Burke, in the case of Mr. Hastings;

for that gentleman had not moved for the documents upon which his charges were to be supported, and they were actually laid upon the table. The precedents were precisely the same in the cases which had occurred in the Revolution; and if these were entertained, without the documents laid on the table, the marquis would have just ground to move for the house with having dispensed with forms, in receiving articles of impeachment against him. Here was a wasteful expenditure of the public money in the East-India Co. If the charge to be just, why did it not move forward? They were in possession of the evidence, and were bound to produce it with the nature of the case. It ought now to have as much as a Grand Jury should have before it a bill.

Mr. Secretary *Fox* said, it was not his business to receive that naming a day was necessary. In moving the charge, he would have supported it, but he had no documents. It was a mere matter of form. There was much good sense in what he said from the hon. member who had moved. If he was inclined to suppose that the charge would be put in possession of the members on the subject, he should have no objection to adjourn the discussion to the next day week; and if they should not be forthcoming, the house would have to take further proceedings it would be to take. He moved accordingly.

The *Speaker* could see no point of form to this motion.

Mr. *Rose*, though he thought the motion less objectionable than the first, yet, as he really thought that the charge had been brought forward without whatever to support them; voluminous papers with which the hon. gent. had been day after day covered the table, and which cost printed at an expence of not less than 10,000*l.* to the public, he should have thought it was sought by the hon. gent. to search for evidence, but in his opinion it would be taking too long to take of the charges, thus unsupportable to entertain them at all.

Sir W. Geary declared that in seconding the motion, he was not convinced of the guilt of the marquis. When, however, I

of so grave a nature brought forward, he thought it due to the dignity of the house that an opportunity of proving such charges, if well founded, should not be denied.

Mr. *Paul* pledged himself to adduce documents to prove every tittle of the charges he had brought forward. He complained, that he met much difficulty and interruption in being able to procure the necessary documents; and he alluded to an hon. gent. (Mr. *Golding*), who had said he would move for papers, that would refute every tittle of the charges he (Mr. *P.*) was to bring forward this day, though the particulars of these charges were not disclosed by him.

Mr. *Golding* said, that he was convinced, from finding the charges so vague, futile, and indefinite, that the hon. gent. had only moved for the numerous documents already produced, with a view to fish out something to be produced against the noble marquis.

Mr. *Robert Thornton* said, the court to which he had the honour to belong having been so particularly alluded to, and seeming so much interested in the question, he might not seem to discharge his duty if he did not say a few words on the subject, while he, at the same time, expressed his own feelings. He felt regret at the situation into which the hon. gent. had brought himself, the house, and the court of directors. He lamented the hon. gent. had gone so far. He had not the honour of being acquainted with him till he had come forward in his present character, but he thought the spirit and manliness displayed by the hon. gent. throughout, did him the highest credit. Though he stooped short of the hon. gent., he thought he had well-grounded cause of complaint, and that there was much truth in the generality of his charges. He thought, however, that the hon. gentleman's was not a happy mode of proceeding, and that enquiry was the proper mode. If he had followed that mode, he (Mr. *T.*) should have voted with him. It was not for him to dictate to the hon. gent., but he only stated his opinion thus far, that the hon. gent. might not expect greater support from him than he was to receive. He thought justice to the hon. gent. required that he should be warned that there might be many others from whom he might have looked for support, who would not be inclined to go the length he wished. He (Mr. *T.*) did think that marquis Wellesley had been guilty of a wasteful ex-

penditure of the company's money; he had committed many errors, and violated the law in several instances; but was apprehensive that the mode of accusation resorted to by the hon. gent. would have the effect of bringing the marquis and holding him up to the world as a man that had been unjustly attacked. The hon. gent. had been accused of not having produced documents to support the charge. He certainly had been hasty, had not consulted his friends sufficiently, and had lied too much on himself. This, however, he must say in justice to him, that if the house had given him the paper which yesterday moved for, he would have been in no want of documents. He (Mr. *T.*) knew many of the statements of figures given by the hon. gent. in the charge presented by him this night, to be correct, and to be contained in that document. Such document he had that moment in his pocket, and such was taken from that official letter. This he said in vindication of the hon. gent. He regretted the situation in which they were placed. He said so, both in justice to the hon. gent. and to himself. If he could withdraw his motion, he thought it would carry a stronger censure against the noble marquis, than any thing that could follow under his charge would import. Impeachment was a step much stronger than anything which he was prepared to think the conduct of the marquis Wellesley, improper as he esteemed it, could warrant him in adopting.

Lord *Temple* agreed with the hon. director (Mr. *Thornton*), that the hon. mover had displayed considerable manliness in the perseverance he had shewn in this business, and he hoped that the same manliness would induce him to retract his accusations when he should perceive them to be ill founded. It appeared to him an extraordinary course, that the house should be first called upon to adopt the charge, and then to vote for the papers upon which the charge should be founded. From this embarrassment he felt relieved by the motion which had been made by his right hon. friend (Mr. *Fox*). As to this paper which was called a charge, he thought it was paying too high a compliment to it, to entertain it at all. Although it was competent to every member, to bring a charge of this nature against whom he might think proper, yet, there was something in the manner of bringing forward the present charge, which appeared to him neither fair nor

furnished by the court of records, and not pretend to such a knowledge of the journals of the house as to pretend for exactly to say what was the correct mode of proceeding. He would, however, that the charge, if it were good, their consideration and their course would

The *Speaker* inquired whether, if the motion for adjournment were carried, the subject would be brought forward again.

Mr. *Peel* said that he would not say, if the motion were carried, the rest of the day, he might be obliged to avoid, according to the general position, six or seven days, and then come when the

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without any proof being offered. He felt it also due to some enquiry should be made on the ground it was, that he supposed of the right hon. secretary not wish to press the house to his judgment, but he hoped consider the feelings of his constituents and come to such decision, in a speedy and full discussion of the whole case.

Mr. *I. H. Browne* thought he was treating the charge with respect to adjourn the debate, to be entertained, nor the adjourned, because no case had been laid for such a proposition evidence whatever had been offered.

He thought that an accusation of a nature should not be couched on such grounds against such a person of this country far other individual alive. He

to meet the motion with a *Speaker* This would not preclude. He should not say whether that enquiry would be to exculpate the noble marquis.

Mr. *Rose* desired to know was a matter of course that should be entered on the present motion should be agreed.

The *Speaker* replied in the affirmative. Mr. *Rose* then suggested that it would be right to consider it would be fair, with respect to Wellesley, to have a libel, evidence adduced in support of the journals of the house, which case, if they were to give effect to the charge by adjourning the debate to a future day.

Mr. *R. Thornton*, in explanation, that the paper which he had was, like the statement of charge, copied from the documents in the India house.

Mr. *Garrow*, in his maiden speech, he felt no small degree of solicitude of situation the house was placed of precedent. He considered the proposal of adjourning the debate proceeded only from the great right hon. secretary of state, but that it would be setting a precedent to

Mr. *Garrow*, in his maiden speech, he felt no small degree of solicitude of situation the house was placed of precedent. He considered the proposal of adjourning the debate proceeded only from the great right hon. secretary of state, but that it would be setting a precedent to

forward the present charge, he should consider it as an improper practice, if a gentleman should be permitted to come down to the house, with charges of the severest nature, and after stating that he had consulted with nobody, and listened to no advice, to read as part of his speech a charge of the great length of the present, which must necessarily be printed, and which might produce a considerable impression before it would be possible to answer it. In the present case there was not a man in the house who could point out a single document on the table which contained one syllable of evidence in support of the charge. He knew it was competent to every member of that house to bring forward charges in the nature of impeachment, but, as the right hon. secretary of state had well expressed it, whoever brought forward such accusations, did it at his peril. The accuser certainly did come forward at considerable peril, and at the risk of his own character. When a man had long filled one of the most important offices in the state, he should not on light grounds be made the subject of a motion of impeachment: and yet the present charge was not only brought forward without evidence to support it, but even it was a considerable time before a member could be found to second the motion; and that member had expressly declared his disapprobation of the manner in which the charge had been brought forward. It appeared to him, that, in seconding the motion, the hon. baronet (sir W. Geary) paid a higher compliment to his charity than to his discretion. He should have thought it quite as well, if that charge, which came into the house like a foundling, and which was so long before it found any body willing to adopt it, had been disowned by every body, and had been left with its real father, without the benefit of finding a parent by adoption. If the hon. baronet had not adopted it, the charge might have died for the present, but could have been brought forward again, when the hon. mover had found out documents to support it; he was more confirmed in his opinion, when he recollected what had fallen from an hon. director; but if the hon. gentleman chose to be hasty, to consult nobody, and to bring forward his charge without evidence, it would be no hardship to require him to be better prepared. The hon. director (Mr. Thornton) had stated, that if the paper had been granted the preceding night, there would have been some evi-

dence; but it should be recollected, that, although of those who wished for the production of that paper, no two agreed in the object for which they wished it, yet all had agreed in disclaiming the idea of its being produced as evidence on this charge. The hon. mover had excused himself from bringing forward the charge hastily and prematurely, [Mr. Paull rose to order, but, being asked by the Speaker to state what he complained of as disorderly, was silent]. Mr. Garrow then continued, and said, that he could not exactly say, as the hon. gentleman could, that he was not in the habits of speaking, yet not being in the habits of speaking in that assembly, he was afraid he might be as little acquainted as he was with the points of order. He had, indeed, not intended to speak that night, and had made a sort of league and covenant with himself to remain silent. As to the paper that was spoken of, it could never be brought as a document against lord Wellesley. It was not any order or instruction to him, but it was merely a written opinion given by the gentlemen sitting in Leadenhall-street, but which opinion never reached India. An *ex post facto* opinion of this sort, could never be brought to substantiate a criminal charge against the noble marquis. It might appear extraordinary, that, when the friends and relations of the noble marquis wished for the enquiry, he, who had not the honour of being acquainted with him, opposed the adjournment. It was for the sake of precedent that he opposed it; it was because he thought the house should not suffer the valuable privilege of impeachment to be in any case, or even for a short time, the instrument of calumny. Besides the danger of the precedent, he considered the adjourning the debate would take up the time of parliament unnecessarily.

Sir J. Wrottesley was inclined to support the motion for adjourning the debate. As to the hon. mover, although, perhaps, he had not shewn sufficient discretion, he had certainly evinced a manliness of mind in the prosecution of this business; whereas, there was another body of men, whose conduct excited no other sentiment in his mind than disgust. The court of directors had been chosen by the proprietors in a manner somewhat similar to that in which the members of that house had been returned by their constituents. How had they performed their duty? An hon. director had asserted, that the figures were rightly stated by the hon. mover, and agreed

with him, that marquis Wellesley had wasted the public money, and violated the law. Why then, did not he, or some of his brother directors, come forward to impeach him? Was there ever such a dereliction of public duty? Since the hon. director had made that speech, he thought it was impossible to drop the question. It must be taken up either by the court of directors or by somebody else.

Mr. *Sheridan* said, he had given his best attention to every thing that had been said on the present question, and was ready to admit, that the house was involved in some embarrassment by the course of proceeding that had been pursued. But he did not think the difficulty of their situation so great as had been represented; or such, from which, with due attention, they might not extricate themselves. He could not, therefore, agree with his learned friend, who had that night, for the first time, delivered his sentiments to the house, and whom he hoped often to hear taking his part in the discussions in that house, as to the alarming consequences of the present proceeding. His learned friend had apprised them of the danger he apprehended, but had neglected to point out any means by which that danger might be avoided: and as his learned friend said, that he had at first made a league and covenant with himself not to speak upon this question, he believed it would have been quite as well if he had kept to his league and covenant. An hon. director had said, that the paper moved for yesterday would have supported the allegations. If that paper could not be had, the documents to which it referred might easily be had. It appeared to him a very extraordinary circumstance respecting this paper, that being dated the 5th of April 1805, it should refer to the transactions of the years 1801-2-3, and censure almost every part of lord Wellesley's conduct in the administration of his government. It would have appeared, that what they disapproved of so violently, they might have censured sooner. Whoever brought forward a charge of this nature, certainly did so at infinite peril. He might even in some cases draw upon himself the reprobation of the house. If the house were to consider itself in the nature of a grand jury upon the present question, he should say, arguing from analogy, that it would be an extraordinary thing for a grand jury to find the bill in the first place, and ask for the evidence afterwards. And

yet it was in this way, that I been called upon to act in instance. They were desired the charge, and then see what document could be brought forth of it. What he considered danger was, that if the charge far hastily adopted, as to be printed, it might injure the noble lord materially, but ability was afforded of revision that such publication might was not so much from the journals, that he thought it likely to suffer, because, if there might also be an establishment's exculpation from the in the mean time, a great deal might be done by the charge and published through the newspapers and other ways. [He informed the right hon. member charge must be entered in the printed for the use of the noble hon. gent. then conclude mending both motions to He wished that his right hon. Fox) would withdraw his journeying the debate, and the mover would also withdraw motion.

Mr. *Grant* said, he felt it offer a few words in answer to the hon. gentleman (sir J. Wrottesley), and the hon. gent. opposite (Mr. Sheridan) censured the court of directors they had not come forward to support marquis Wellesley. He had said, to this point on a former occasion. He trusted the court of directors as every other class of his subjects, had a right to exercise judgment, and to take that duty and propriety appear point out. Those of the directors were members of that house their duty individually as such right to bring the India company to parliament. That company, executive body the directors, in way the law prescribed to them their opinion on the measure proposed by lord Wellesley, which was, by stating it in the draft of a letter, addressed to the Bengal government, and sent to the commissioners for their consideration. The right hon. gent. (Mr. Sheridan) mistaken in supposing that that letter, written in 1805, and

measure on lord Wellesley, for transaction which passed in 1802. That object when circumstances should be extended, would appear fully justified; but it was another and a general object of a different nature. The court of directors thought that the constitution, appointed law for British India, had been, in every respect, violated under the administration of lord Wellesley, and they deemed it necessary, when a change of the governor-general was about to take place, to assert and lay the true principles of the constitution so that no acts by which it had been violated, should seem to have the sanction of tolerance or prescription. This was a general and strong reason for the passing of the letter which they had written; in this view they held the measure of passing that letter to be their indispensable duty, and of very great importance. It did not follow, that because they disapproved of the conduct of marquis Wellesley, or of any other governor, that before they must come forward to that with an impeachment. If this was their course, even upon every occasion of grave disapprobation, they might, perhaps, occupy the attention of that house and their own, in a way incompatible with the due transaction of the many public affairs in which they were necessarily engaged. This was not the way for the company usually to take, and gentlemen contended for it did not know enough of the subject. The court had other means to address within their power; they might censure a governor, and impeachment was the last resort. He, therefore, deprecated the imputations against the company, or the executive body. He trusted that if their conduct were fairly examined, they would be found to have done their duty. In respect to the measures now in progress, he thought it would be proper in him, on occasions arose, to state his opinion. He only judged enquiry to be necessary, did not, under all the circumstances he before stated, deem it advisable to proceed to impeachment.

Mr. Wellesley Pole rose for the purpose of expressing the joy he felt that the charge had been at length brought forward; he declared that they had got the hon. gent. (Mr. Paull) in a tangible shape, after 10 months of shifting and turning. He had been accustomed always to look up to his relation as a man, the whole of whose life was devoted to honour, and the best part of it spent in the service of

his country. It was, therefore, with surprise, and with acute sufferings, that he witnessed the hon. mover (Mr. Paull), on the second day that he set his foot in the house, declare his intention of coming forward as the accuser of the marquis Wellesley. As his connection with that noble lord had been the pride and happiness of his life for the last 40 years, that declaration gave him considerable pain in the first instance; he, however, now, after nearly 11 months had been spent in moving for papers, and speaking of the noble lord as a criminal, was glad to find that the charge was brought, and that they had got the hon. mover in a tangible shape. As the right hon. gent. (Mr. Fox) had said, a very heavy responsibility rested on the person who brought such charges. If there should turn out to be any thing in the conduct of his noble relation which would justify the charges, he was sure that right hon. gent. would be the last to screen him; but should the charge turn out, as he trusted it would do, to be altogether without foundation, then that right hon. gent. would be the first to reprobate it. He had himself been long in the habit of admiring the ingenuity of the court of directors, in their candour to the noble marquis. One hon. director, who confessed that it was his opinion that marquis Wellesley had wasted the public money and violated the law, still said he did not wish to impeach him. And why? because if he were impeached and acquitted, his character would be freed from the imputation. The hon. directors, however, in their mercy, seemed to think that it was the better way to stigmatise his character, without giving him the chance of acquittal or explanation. What would be said if, instead of marquis Wellesley, it should be said of the meanest subject of this country, that the only reason for not bringing him to his trial was the fear that he should be acquitted by his peers? Although that letter was not granted the preceding day, he hoped the time would come when it would be laid before the house. In the mean time, he would observe, that the manner it had got into circulation was somewhat remarkable. He was given to understand that four clerks had been employed in copying out this paper at Mr. Budd's, in Pall-Mall. The hon. mover had contrived to get a copy from the East-India directors, and had got it printed and circulated exclusively among his own friends. The India directors shewed their ingenuity in calculation,

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it could not reach marquis Wellesley in India, and, therefore, when he could have no opportunity of answering it. But it has been already explained, that there is a continued chain of correspondence between the company and the governments in India: this chain is not broken upon the removal of a governor. The sentiments of the court of directors must still be transmitted upon all important events that pass there to the last moment of any governor's residence—sentiments however which it may be impossible for him to learn during his stay in India. Nay, answers to letters written by the Bengal government in lord Wellesley's time, have gone out since his arrival in England. This is unavoidable in the course of business, and has proceeded from no fear of meeting the discussions of lord Wellesley on any subject. The hon. gent. has further accused the court of Directors, of having written a letter in 1802 to lord Wellesley, desiring him to continue in the government of India, and then of bringing forward, in 1805, censures for acts done before 1802. It is sufficient to say to an accusation otherwise so little conclusive, that by the influence of lord Wellesley's powerful friends in this country, the court were induced in 1802 to ask him to continue one year longer in the government, in order to carry on a plan of retrenchments in expenditure which he was understood to have begun, and soon after the arrival of that letter in India, instead of pursuing that plan of retrenchments, he launched out into those measures of foreign policy and war which have had such unfavourable effects upon the company's affairs. Mr. Grant concluded by saying, the directors were prepared and determined to maintain all they had advanced against marquis Wellesley, and were confident they should be able to substantiate every part of it.

Mr. Perceval had no doubt that it was the wish of the house as well as of the relations of marquis Wellesley, that the course they might take should not preclude investigation, but at the same time, he was of opinion with his learned friend (Mr. Garrow), that it would introduce a very improper precedent. He wished to have the question disposed of, but there was some difficulty in extricating the house from the present embarrassment. The best way for this purpose was for the hon. gent. to withdraw his charge, if that could

be done consistently with parliamentary forms, and in that case the charge would not appear on the journals till there appeared some sufficient grounds to warrant it. If this could not be done, the other alternative was for the right hon. secretary to withdraw his amendment, and to negative the original question, which would leave the subject open to the hon. member, at any period he should think himself prepared with sufficient grounds to make good his charges.

Mr. Secretary Fox said, he was not obstinately attached to the mode he had recommended, but it yet appeared to him obviate all the difficulties in the case. It was very singular, that the hon. gent. had moved for volumes of papers, referring to charges he had not made, and yet had not to produce a single authenticated instrument applicable to his present motion.

Mr. Paull was surprised at the extraordinary language of an hon. gent. (Mr. Pole), who had expressed so much pleasure, that he (Mr. P.) had now appeared in a tangible form. How he was disposed of, now he had been discovered in this tangible shape, had not been explained. It was represented that he had moved for papers with the design, not to support a valid charge, but to fish out materials to constitute such an accusation, and he was to be considered culpable for not substantiating his allegations by documents, when he had moved for papers early as June in the last year, none of which were now produced on the table of the house. He did not come now to support the charge, he designed merely to press the general charge, and to move for the vouchers by which it would be justified, and he was not convinced, that this mode of proceeding was either inefficient or irregular. His sentiments on the misconduct of the noble marquis, were neither new nor peculiar. A noble lord, of the highest reputation, entertained the same opinion; many others of sound discretion, saw matters in the same light; and 29, out of 40 of the East-India directors, had sanctioned his thoughts on the subject. The right hon. secretary of state himself had been least nearly of the same opinion, as he had approved in the most unqualified manner of a speech of an hon. member below him (Mr. Francis) in 1805, which represented the conduct of lord Wellesley in the same light that he had done. Another right hon. gent. also on the bench below him

ed of the same transactions by the
rt of directors. But, sir, respecting the
ole of that letter, after what has been
of it, I desire to acknowledge my full
re of any censure that may be thought
to it. The ability with which it is
tten, is far beyond any to which I have
least pretention, but I approved of
ry part of it, and never gave my assent
ny measure, or put my name to any
er with a more perfect consciousness
doing what was right, and what my duty
uired of me. That it will be answered,
most ably answered, I have no doubt;
if the answer shall disprove or do
y the facts, or any of them, which it
es, or convince me, that my view of
m has been erroneous, and the answer
nded upon it unjust, I shall be most
dy and happy to acknowledge it. But,
I believe there are facts, stubborn and
icting facts, stated in that letter, which
eloquence can disprove. I have been
all times ready to acknowledge the
at merit, and splendid services which
inguished the early part of the marquis
llesley's career in India, and I felt pro-
portionate regret at seeing the lustre of
se services obscured by the system he
rwards pursued. Respecting the pro-
ure before the house, and the dilemma
which we are placed, I always thought
t the most proper course for the hon.
t. to pursue, would have been first to
ce his documents on the table, and then
move for their being referred to a com-
tee for investigation; and, I should
hope, that we may tread back the steps
en this evening, and the dilemma be got
of in the mode proposed by the learned
t. below (Mr. Perceval).—There is one
at in the hon. gent.'s speech (Mr. W.
e), which I think must have arisen from
misconception. He laid considerable
ss on my hon. friend near me (Mr. R.
ruton) having stated that the letter
been approved by 29 out of 30 direc-
, as if my hon. friend had included,
irectors, those gentlemen who were out
rotation: but this is easily cleared up,
merely stating the fact that the letter
approved in court, and sent up to the
rd of commissioners in the beginning of
il, and after the annual election was laid
ore the court of directors, again and
in approved, so that 29 out of 30 di-
ors had given it their approbation.

fr. *Sheridan* said, he was not disposed
etract a single syllable of what he had

asserted on India affairs. His
tions had been solely directed
natic, and he had not even men-
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of them. His charge was not
foreign resident; it was against
of control, against the govern-
dras, but, above all, against the
of the court of directors, who
him to be the principal delinquent.
said the right hon. gent., I have
upon in a way I do not appre-
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led upon by an hon. gent. (Mr.
from whom I should not have
It would seem as if his intention
promote differences among the
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necessary to the welfare, if not
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rent the hon. gent. may appear
speak truly, the hon. gent. was
to sustain on his own shoulders
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do not mean to say, that the
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all his motives, I presume, of
public spirit, mingled, perhaps, with
the apprehension for my par-
consistency; he must, however,
to be the protector of my own
and of my own honour.

Mr. *Francis*.—I am so well
see my right hon. friend once more
place, that it would be very dis-
him to say any thing to me or to
could give me one moment's con-
facts, to which he alludes, have
misrepresented to him. The only
justify the resentment is to over-
offence. The terms in which I speak
absence, were good-humoured and
mentary. No man repines much
which he does not feel to be in-
Respect and value are usually
in regret. But my right hon. friend
taken about the fact. I never
the transactions in the Carnatic
uttered a word of provocation
make good his charge against
ley. You, sir, and the whole
bear me witness, that the sup-
of the Nabob of Arcot, in which
lesley has no concern, was the
which I called for his assistance,

of my hon. friend, the representative of Norwich. With respect to the government of Bengal, and to my disappointment, and all the anecdotes he alludes to, and his own meritorious conduct, it is quite enough for me to say that he is mistaken in his premises; and that, as in fact I have expressed no resentment, he has no right to assert that I am influenced by disappointment. On the principle of his own insinuation, if the fact fails him, I am entitled to the opposite conclusion.

Sir *T. Metcalfe* trusted the house would give him some credit for his silence in the discussions on the rejected draught of a letter, particularly as he had so repeatedly been pointed at for having differed in opinion with the majority of his friends in the direction. The paper in question was laid before the court early in April 1805, and contained every act of lord Wellesley's government that could make against him, in the opinion of the writer of the letter, from the year 1798. He stated, that the house should understand the established rule for carrying on the correspondence between the executive part of the company and the governments in India, is by answering every letter, in the order of its arrival, paragraph by paragraph; and of course the former transactions of the Bengal government must have been decided on, by approval or censure, many years before the letter in question was produced: and as it appeared to him that the hon. member opposite (Mr. Grant) had undertaken an unprecedented task, in raking from the records every thing that could make against the government, without taking notice of any one meritorious act, he felt it his duty to object at the India-house to the directors' entering into any contention with the commissioners on the alterations they had made, because it appeared to him they never had stronger grounds to stand on than in that instance: for in addition to the legal authority they possessed in altering a political dispatch, they had the argument in their favour, that no such procedure had been adopted upon the departure of any former governor-general. And what appeared at the same time extraordinary, they were suffered to make an alteration in a letter purely commercial, which by law they had no authority to do. The hon. baronet (sir J. Wrottesley) was under a mistake in supposing that what fell in the debates from individual directors was to be considered as the opinion of the body at large. The India Co. was not repre-

sented in that house his own sentiments. The hon. Wellesley, who had placed extraordinary a dilemma exhibiting a charge governor-general, had extraordinary character, by accusing an act of parliament, the fact than the ordinary assertion, that indebted to the public millions. Whereas, many being in debt public are considered company for advantage by order of his Sir T. M. could not the hon. gent. took with the name of who could not in time have any knowledge beyond having perceived and the return he negation was to join that he had brought forward marquis. With respect sir T. M. declared, nor expected to render honour at his hands. I examined every act of government, and could that having in that great talents as a student zeal for the interest he felt it his part feeble support to a letter. With regard give, he must be feeling of the house in affording any cooperation to him as reported by any kind

Mr. *Grant* said, had no right to give letter in question, sixths of it had been of the India house possessed; neither warranted in saying eight of the directors themselves about a whole court (the I were much interested even called for a statement

Mr. *H. Addington* most regular course gent. to move that present withdrawn

some further information before the house upon the subject, it might be competent to him, or any other hon. member, to move the further consideration of the question on some day subsequent to the production of these documents.

Mr. *Paul* said, this was the very mode which he intended to have pursued, in consequence of what he had heard in the course of that night's debate.—The motions were then ordered to be withdrawn. After which, Mr. *Sheridan* gave notice, that he would move the house to rescind the order for printing the first charge.

Mr. *Paul* then moved for the production of certain accounts, with a view to shew the comparative amount of the public expenditure in India during the administrations of Mr. *Hastings*, lord *Cornwallis*, sir *J. Shore*, and marquis *Wellesley*.—The motions were carried unanimously, and the house adjourned.

HOUSE OF LORDS.

Wednesday April 23.

[*KING'S MESSAGE RELATING TO PRUSSIA.*] Lord *Grenville* moved the order of the day for taking into consideration his majesty's most gracious message. The message being accordingly read, his lordship rose and observed, that after the message which their lordships had heard, it would not be necessary for him to take up much of the time of the house. He was persuaded that there could be but one sentiment among their lordships respecting his majesty's message; he was convinced there could be but one feeling in the country, as to the line of conduct which it was necessary to adopt; and he believed that there could be but one opinion throughout Europe respecting the conduct of Prussia. Had there existed no connection between that power and G. Britain, if his Prussian majesty had not been bound by ties of alliances, of blood, of friendship, and of gratitude, still one might have supposed that his true policy, a sense of his real interest, would have induced him to pursue a course different from that which occasioned the message which had been just read. It was not his intention to enter deeply at present into the particulars of the conduct of the Prussian government; it would be necessary, however, to make some reference to them. The court had been engaged in confidential intercourse with England previous to the battle of *Austerlitz*; and if any reliance could be

placed upon assurances; if any faith could be reposed upon treaties; we had a right to expect that she would be found, not fighting on the side of the enemy, but sustaining the common cause of Europe against France. On the contrary, she acted as if notwithstanding those assurances and treaties; she had been leagued with France from the beginning. This was manifested in various instances. Her first object was to occupy Hanover, under pretext of covering the retreat of the British allied army, and of securing her frontier against the danger which might result from the establishment of a French force in the electorate of Hanover. That this occupation was a flagrant outrage, a violation of justice, no one could deny, and as such, his majesty could not but feel it deeply. The insult and injury however affecting him more in his private than in his public capacity, he determined to apply to remonstrance and negotiation, rather than to measures of a more serious character. What was the conduct of Prussia? Their lordships would scarcely believe if the facts were not notorious to all Europe. Before time could be given for the first temperate representation, before an explanation was offered or received, she took forcible possession of his majesty's electoral dominions. The country which she occupied a few days before, for the purpose of protecting and guarding against the arms of France, within one fortnight after, she appropriated to herself, as a conquest and a conquest made by France. That was the second step in the gradation of the injuries offered to his majesty. That was, however, a third step more general and more injurious in its object and consequences. His Prussian majesty caused to be notified to the British minister at Berlin, that, in obedience to a requisit from France, he must proceed to exclude the shipping of England not only from Prussia, but from the ports of all countries within the reach of her control or influence. It was in this situation we now stood. His majesty could not but feel deep and lasting regret that the acts of Prussia, over which he had no control, should involve in the calamities of war not only the subjects of Prussia, but those of other countries. Whether any alternative remained to his majesty, it would be to their lordships to determine; to his majesty there was none. He could not perceive what other measures than those which he

been resorted to, could be taken against a country which was found, either from choice or necessity, to yield to every requisition of the enemy. Such boundless acquiescence did not become any country, and much less a great country like Prussia. It was obvious, that, in point of honour and reputation, she could gain nothing by it; it remained to be proved whether, even in the inferior consideration of interest, she would find herself the better by it. He purposely abstained from making use of strong terms in speaking of the conduct of Prussia. If it could be the object of any one to irritate, to inflame the passions, to make it more difficult to renew hereafter the connection between the two countries, how easy would it be for him to represent the conduct of Prussia in a much stronger light? One observation more remained for him to make, which related to the interest of Prussia herself. This appeared to him to be the kind of reasoning by which she endeavoured to reconcile herself to the strange line of policy she had thought proper to pursue: "I have no hostility against you; France insists upon my ceding to her a part of my dominions: I must indemnify myself somewhere; you are my weaker neighbour, and I will wrest my indemnity from you." What could there be more monstrous, more unjust, more contrary to the principles of the law of nations, than such a proposition? He would allow that cases might occur, in which a country might be obliged to cede part of her territories; but though her interests were affected, still her honour might be preserved. There was no disgrace in being the victim of such a necessity. It was not dishonourable to be obliged to bend to circumstances after an appeal to arms; the dishonour was in not contending against such an event, in yielding without an effort or a struggle. The ground upon which he would move the address to his majesty, which he held in his hand, were these. First, the necessity of evincing that a connection did and ought to exist between England and Germany, and that we felt deeply for her interests. He was also anxious to convince Prussia, that there was not a power in Europe who would exclude British ships from her ports with impunity; and above all, he wished to mark our abhorrence of that abominable principle of one power indemnifying itself at the expence of its weaker neighbour. He would acknowledge also, he had another power

ful motive for proposing which he anticipated, not only of expressing his sympathy, but of evincing his anxiety. He was anxious to show that they felt themselves, and that their dominions, in that they were not willing to maintain him. In this loyalty he was persuaded he was persuaded he would agree no longer upon the move that the following message to his majesty's address, which was a The address having I lord Chancellor,

Lord Hawkesbury of expressing his approbation of the noble lord. After rate, and the dignity the particulars of it were laid before the sider himself as guilty lordship's patience, vour to trace the circle to the last unforgotten court of Berlin. He ever, to his majesty press his entire approbation had done. The election majesty were invaded account of a German count of her hatred were attacked in vicinities, which stipulate neutrality, as well as towns. Prussia herself she accepted Hano France, was a party Under these circumstances occupation of Hano as a violation of possession of the great law of Europe. In reference to the address feel the folly of the ced, he was confident she had adopted against G. Britain, fold force upon the tion of Prussia, the weeks would demonstrate government would be expected conduct more strongly that

which had been fortunately established with two great Northern powers, he meant Russia and Sweden. To the firmness and sincerity of these powers, he was persuaded we might look with confidence and satisfaction, as more than a counterpoise to the defection of Prussia.

Lord *Mulgrave* thought it impossible that any of their lordships could feel more strongly than he did every word of the address; it had his entire approbation. After the complete vassalage of Prussia, he was convinced, that it was impossible to be at war with France, without, at the same time, being engaged in hostility with her. The measures which had been taken, had also his approbation; they were marked with energy and promptitude, and were such as became a great and a just nation. He doubted not the readiness of a government to renew the customary relations with Prussia, as soon as she should evince that she was alive to her own honour and interest. His lordship concluded with expressing his concurrence in the address, and of the measures which had been adopted towards Prussia, from which he saw reason to augur well of the future conduct of government.—The question was then put and carried *nem. diss.*

HOUSE OF COMMONS.

Wednesday, April 23.

[MINUTES.] A new writ was ordered to be issued for Wexford, in the room of lord Loftus, called up to the house of peers as marquis of Ely.—Mr. Giles reported, from the committee of impeachment, that they had inspected the place in the court prepared for the accommodation of the house, and found that there would be sufficient space for the accommodation of 500 members, besides the managers of the impeachment. He then moved a string of resolutions, being those usual in such cases: That the managers do first go out of the house before the other members; that after the Speaker has left the house, the members be called by the clerk, according to their counties: That no member do go out till his county be called: That no person but members do presume to sit in the places appointed for members in Westminster hall: That the serjeant do take all such into custody: For the more convenient passage to the hall, that the constables do attend and keep the same clear. Ordered.—The form of procedure in the cases of *dr. Sacheverill* and *Mr. Hastings*, being entered as read, Mr. Giles moved, that

the same precedents be observed on trial of lord Melville. Ordered.—It was also ordered, that no member do cross the hall, or pass through, or remain, in the passage to the hall, during the procession to and from the trial: Also, that a note, with the name of the right hon. C. Bathurst, be given to the serjeant at arms, and that he do order him to attend at said trial.

[CONDUCT OF EARL ST. VINCENT.] Mr. *Jeffery* said he did not wish to advert to the long procrastination which had taken place, by means of the printing of papers that had been moved for, in order to repel the charge which it was his intention to bring forward against lord St. Vincent, nor, at this time, to say a word more on the subject. He thought it necessary that a day should now be named for bringing forward the same; and he was desirous of fixing that day, as nearly as possible, according to the wish of the house; and he would not desire to name an earlier day than it might be supposed a sufficient time would be given for printing the papers already moved for, therefore he, if it would be agreeable to the house, would name the 6th of May, on which day it was his determination positively to bring it forward.

Lord *Howick* was as anxious to avoid delay in this business as any man in the house. No rational motive could be assigned for delay on his part, or on the part of the noble lord's friends in question, but the necessary time that might be required for the production of such papers as were judged necessary for the defence of the noble lord, and the elucidation of such points as the hon. gent. had already thought proper to specify. It was to be wished that such papers should be printed and put into the hands of members before the discussion should take place. Some of those papers were not yet produced, and a considerable time would be necessary for their printing. If there should be sufficient time for this purpose, before the day fixed on by the hon. gent., he certainly could have no objection that the matter should be finally taken up on that day. But should it appear in the mean time that all the documents could not be before the house previously to that day, he thought only reasonable that a farther delay should take place. At present he had no objection to the day nominated by the hon. gent.

[KING'S MESSAGE RELATIVE TO PRUSSIA.] Mr. Secretary *For* moved the order of the day, for taking into consideration his majesty's message, relative to Prussia.

which being read from the chair, the right hon. secretary then, and spoke as follows: I am sorry to say, that it is impossible that the message we have now heard read, can fail to excite the strongest sensation in every temper and disposition of mind which can exist in this house. In the first place, when we hear it stated that his majesty has abandoned all appeal to his British subjects, in account of the violence and injustice which had been done to him in the seizure of his electoral dominions, it is impossible not to feel grateful for that kindness and mildness which his majesty has always shown to the subjects of this realm. It was with the most extreme reluctance that he could consent to involve them in war upon any ground that was not immediately and directly connected with British interests. After the sentiment of gratitude to his majesty for this tender consideration of his subjects of this kingdom, the next feeling which must be strongly excited by the message, is a feeling of just indignation at the conduct of the court of Prussia. I hope that every member, while he feels this just indignation, will, at the same time perceive the propriety of uniting the most vigorous measures, with a language temperate and moderate, and which does not violate that respect which has been always considered as due to crowned heads, and ought not in the present times to be departed from. Indeed, to describe justly the measures which have been adopted by the court of Prussia against this country, they cannot be called the measures of the king of Prussia; for that sovereign is known to be of a mild and pacific disposition. The measures must be considered such as his Prussian majesty has been induced to adopt from the pernicious councils of the enemies of this country. Had it been my object to condemn, in the strongest terms, the decision of the Prussian cabinet, I might have thought it necessary to lay some additional papers on the table, but that not being my object, I have moved but for few. More would have been unnecessary, as it was not my wish to give the strongest possible colouring to the accusation that the message contains. In order to understand those proceedings which have terminated in an outrage, unprecedented in the history of the worst proceedings of the worst times of Europe, it will be necessary to view the transaction a little earlier. The origin of this proceeding is to be traced to the convention concluded at Vienna, on the 15th of Dec., between Count Haugwitz and the French emperor;

but when it is considered situation of Prussia, at the sovereign concluded the France, it must be recol means of negotiation we than what it derived from or its own armies. The ar were undoubtedly numer able; but was it on them king of Prussia relied, when ating with France? Certain He had a strong additional gave weight to his negotia peror of Russia, after he litz, gave the whole direct sian troops, that remained the command of the king c country, too, had promised assistance by pecuniary s should be driven to a wa These were the means he po weight to his negotiations he apply those means? A part of the territories of or ers which had been suppor rank and situation which conclude his treaty. Afte signed, a considerable diff in the execution of it; thi ceded, in a great measu scruples of the king of Pr ceived that it would be vail upon his Britannic A such a treaty, and who, that his title would be so the acquisition of Hanov circumstances, a poor equi provinces that he was obl to France. He felt, beside principles of justice, could take it on other terms th France herself had held i fore, at first, he did not Hanover absolutely, but w restoring it. France, in t pressed for the cession t Bayreuth. What then did t sia do? Certainly he did the French government w negotiate between him and Majesty, that he should be Hanover; and therefore h ved to seize it without the majesty, and under the equivalent for Anspach, those provinces which w France. It cannot then b treaty, and the proceeding it, were altogether the what was the necessity t

in majesty was placed? Was it the necessity of ceding Anspach and Bayreuth? This might have been a terrible misfortune, yet it was one might be justified by necessity. But of necessity claimed by the king of Prussia, is different; he says, "Because I have lost Anspach and Bayreuth, I therefore feel myself under the necessity of ceding the dominions of some third power, not only of a third power, but of one common to all times, and by every circumstance, I am bound to respect." This is not of necessity claimed by the Prussian court, and it is this which makes the position of Prussia much worse than that of her nation in Europe. As for Spain, I do not wish to revive the differences of opinion with respect to the Spanish war; but, I say, would comply no farther than the wishes of our enemies, than by the payment of a sum of money. Holland, and other powers, have been, from terror, forced to make cessions of territory to France; but no other power has been compelled, by terror, to commit robberies or violations on its neighbours. It is in this case of Prussia stands distinguished from that of all other nations. We cannot help looking, with some degree of pity and contempt, on a power that can allege necessity as reduced to such a necessity. It is, in itself, a considerable humiliation or degradation to Prussia, to be forced to give up those provinces to which she was so much attached, and which had been called, "The cradle of the house of Brandenburg." The degradation of Prussia was still much increased by the conduct of the people of Anspach, who refused their sovereign not to abandon

Instead of lessening the ignominy of cession, it was a great increase of dishonour, to sell a brave and loyal people for a few millions. It was called an equivalent: it was an offence every thing that was contemptible in itself, with every thing that was odious in its nature.—On the 26th of Jan., an official letter was written from Baron Hardenberg to Mr. Jackson, expressly stating it was the intention of his Prussian majesty to restore possession of Hanover only until the conclusion of peace between England and France. In the answer to that letter, the Prussian majesty expresses his firm reliance on the declaration of his Prussian majesty, and wishes the terms to be more explicit. The language that Prussia held at that time to our court, was the same she then

held to Russia, and to every other country with which she was connected by the relations of friendship. Soon after this, a convention with France appeared, and then the court of Prussia wished to represent the measures taken with regard to Hanover, as in a manner dictated by France; they would have it supposed, that it was rather an object of French than of Prussian ambition, that they should be possessed of Hanover. At first, they endeavoured to represent to the government of this country, that it was more for our interest that Hanover should be occupied by Prussian than by French troops; and the argument was this: "If we have it, the ports may be still open to your commerce, or at least your manufactures may have free passage through our territory." This hope was, however, now entirely cut off, as M. de Schulenburg, in his manifesto, professes to take the country as a present from France, which she had won and held by the right of conquest. No example could be found in all the histories of war, and no mention had ever been made by the writers on the law of nations, of any power having a right to receive as a present, a country occupied during a war by one of the belligerent powers, but not ceded to the other.—The house must therefore see to what extremity we are now reduced. It would be idle to say that a war with Prussia would not be a calamity. It is impossible but that it must be a calamity to this country, to have the number of its enemies increased. It is also a painful consideration to think that there is no mode of returning this calamity on the aggressor, which will not, in some degree, fall also on neutral and friendly nations, and even on ourselves. The house will, however, feel that there are occasions in which a manifestation of our principles and of our sentiment become necessary, although attended with the calamities inseparable from war. If such an outrage as this were passed over, might not every other nation in Europe, and particularly those who have less power to resist than Prussia, say to us, "we wish as much as you that the power of France could be restrained, but you see our situation, and the great power of France, to which we are exposed? What are we to do?" If this question were put to me, I should answer, that powers in that situation must save themselves as well as they can, and even make cession if they are insisted upon. If Prussia should

try to make any further observations; but before I sit down, I must state, that there can be no doubt but that the shutting the ports of Prussia to British vessels is alone most clearly and unquestionably an act of hostility against this country.—Mr. Fox then concluded, by moving an address of thanks to his majesty, which, as usual, was an echo of the message.

Lord Castlereagh rose to express his entire and unqualified concurrence in the address moved by the right hon. gent., and his cordial approbation of the sentiments with which it was introduced. From the main manner in which the government had acted upon this occasion, it was impossible that any candid man could refuse them his praise. They had conducted themselves with a firmness so judicially tempered with conciliation, as to maintain the dignity and resolution which pressingly became them in such a case; and, at the same time, not to shut the door against an opportunity of an amicable adjustment, if the Prussian cabinet were so disposed. The right hon. gent. who opened the motion, had put the argument in favour of this country upon such broad grounds, and sustained the proceeding of his majesty's ministers by reasoning so irresistible, that he felt it unnecessary to add much to what the house had already heard. Indeed, under all the circumstances, he could not see how it was possible for government to have taken a different course. Prussia, in becoming the instrument of France to take hostile measures against this country, to adopt the course of annoying us that France had previously pursued, left to us no other alternative than that which had been taken. The noble lord vindicated the resolution to resent the invasion of Hanover, and expressed his confidence that ministers, in evincing such a solicitude for his majesty's Hanoverian territories, but acted in unison with the feelings of the British people, who must ever participate in the feelings and wishes of their sovereign. As to the arguments used by Prussia, after taking possession of Hanover as a permanent dominion, they appeared to him to be obviously untenable upon any principle of justice. Prussia stated, that France held Hanover by right of conquest, and under that right assumed to dispose of it. But, without any reference to the forcible and outrageous manner in which France originally took possession of Hanover, it was clear that, at the time they un-

dertook to transfer it to Prussia, they did not hold it at all, for they were not in possession of that country, having evacuated the whole of it, with the exception of a single point. And unless the retention of that point (the fortress of Hameln) could be argued to imply a possession of the whole country, it would be absurd to attempt the maintaining, upon any principle of public justice, that the French held Hanover as a conquest at the time of the transfer so justly complained of. Therefore, the main ground of justification upon which Prussia seemed to rely for the validity of this transfer, must fall to the ground. Indeed the declaration of Prussia herself, in January, when she occupied Hanover, professedly, until the conclusion of peace, distinctly supported this argument, and recognized the principle she had asserted. And, upon no pretence whatever, could the unqualified way in which she afterwards acted towards that ill-fated country, be warranted. As to the probable result to Prussia herself of these events, and of the line of policy which she had so long thought proper to pursue, he firmly believed she would very soon find that she was miserably mistaken, that she would much better have consulted her own political security; and sure he was, that she would have better maintained her importance and character, had she acted quite differently—had she given her aid, when that aid might have been effectual, towards restoring the safety of Europe. Still, however, if by any course of conduct Prussia could be released from her present situation, if she could be excited justly to appreciate her own interest, and to feel for her own safety, and if any alliance could be contrived which should induce her to act upon that feeling, it was important that this country should manifest a disposition to afford every possible assistance. Such was the policy which, he trusted, would be pursued; for such, he was convinced, would be for the common interest. In every view of the subject, he was persuaded that the war, to which the address referred, was one of complete justice and absolute necessity; and on these grounds he felt great satisfaction in supporting the motion.—The address was then carried *nem. con.* and was ordered to be presented to his majesty by such members of that house as were of his majesty's privy council.

[AFFAIRS OF INDIA.] Mr. Sheridan rose, pursuant to notice, to move that the

allege, that she was in that state of comparative weakness that she was obliged to cede Anspach and Bayreuth; however his majesty might lament the necessity, or the accession of strength his enemies derived from the acquisition, still he would not have attempted to oppose it, or make the slightest remonstrance on the occasion. But when that power shall say, "I am not only obliged to make cessions, but I am also obliged to make war with you," then the question becomes very different, and his majesty is under the necessity of considering it in a very different light. Although I, for one, am not inclined to look very favourably on the present situation of this country, nor to feel so sanguinely as some other gentlemen, yet I think that, upon the present occasion, we should make a signal example of the court of Prussia; and whatever principles theorists may lay down about restoring the balance of Europe, I think we shall do more to restore the sound and true principles that ought to prevail in Europe by shewing the world, in this instance, that this country will not abandon them herself, nor consent that they shall be departed from by other nations in their transactions with her. I consider that the power of the country consists, in a great measure, in the known justice of its principles, in its moderation and forbearance; but if the court of Berlin chooses to depart from the principles of justice, and to act hostility to this country, it must take the consequence. I believe it has, as yet, gained nothing by its injustice. Hanover, desolated as it was first by French armies, and afterwards, in a still greater degree, by Prussian armies, can add little or nothing to the revenues of Prussia, neither can it, in its present situation, increase her military strength. The king of Prussia has been given a mere nominal possession of that country; but so far from being strengthened by this present from France, he is only the more completely vanquished and subdued. Austria was forced, by the fortune of the war, to cede many of her provinces; other nations have been obliged to make similar cessions; but none of them had, like Prussia, been reduced to that lowest state of degradation, to consent to become the ministers of the injustice and rapacity of a master. By the command of France, Prussia was obliged to shut the ports of Hanover against our ships, and what was the possession which France allowed her to keep of Hanover?

She has sent general Barbeau to that country, as a military agent, to see that every thing be done according to the pleasure of France. There are many other instances of the manner in which Prussia is now treated in several transactions, respecting the cession of Essen and Werden, and villages almost too inconsiderable to mention. Prussia is treated with as little regard as she deserves. The French apply to treat Prussia as a conquered country, impossible to make a treaty with; and, in this respect, it is evident that they are in the right. In upon this occasion, we shall witness a great evil, and done so as to avoid the giving the sanction to the spoliation which is committed on the Continent, to avoid the imputation of being a party to the fate of his majesty's possession, which would be a great dishonour, even if it were not that their security was not immediately connected with the interests of this country. Above all, we shall avoid the sanction to that principle which has lately adopted, of transferring the territory of one prince to another, in equivalents, and under the pretence of convenience and mutual accommodation. The wildest schemes that ever were proposed would not go so far as the foundations of all establishments as this new practice. To make exchanges, let us exchange things which are the proper objects of exchange; let us give a field for a sheep; let us exchange its stock, its sheep; but let us not consider the subjects of a country, or the subjects of a nation, as matter for exchange or barter. In every nation, a certain portion of the people to its form of government, without which no nation can exist. If this principle, then, of transferring the subjects of one prince to another, at the foundation of every new state, and the existence of every nation, therefore, great pleasure in the note, delivered by me to Mr. Fox, expressed, that no consideration of convenience or mutual accommodation should excuse a sovereign to forget the example and attachment of his majesty's subjects, or consent to the alienation of an electorate. I do not know the

On the motion for the 3rd reading of this bill,

Sir *V. Gibbs* renewed his former objections made to the bill; observing, that in the first place there was no necessity for it, and in the second, that it might produce an effect different from what it was intended to do, as it went much farther than the opinions given by the majority of the judges. In his opinion, instead of removing doubts, it would be introducing new ones.

Mr. *Tyrwhitt* objected to the bill, as there was no practical inconvenience from the present state of the law, and as it originated from a legislative question.

Mr. *Morris* conceived, that if any declaratory bill were necessary, this was the best that could be adopted. The learned gent. then entered into a very long argument, to prove that it was necessary to declare the law; and concluded by calling on the house to support the bill.

Mr. *Percival* did not see that any ill consequences could arise from the rejection of the bill; on the contrary, he thought it much better that it should be thrown out, as there would be but one uncertainty in the practice of the courts; whereas, if it were passed into a law, there would be many, arising from the different constructions of it.

The *Solicitor General* entered at great length into a statement of the advantages which would arise from the passing of this bill. The law at present, he said, was in a most confused state, so much so, that it was not considered, by many of the judges themselves, that the opinion of the majority of that learned body, as given in the House of lords, was binding on the minority. A witness at the Old Bailey might be permitted to refuse giving an answer which would convict an offender, because the answer would subject him to a civil action; or, what was still worse, a witness, for the same reason, might refuse to answer a question, the answer to which would acquit a prisoner.

The *Master of the Rolls* stated, that he never recollected any point of law relating to evidence, settled by the legislature, on which account he was inimical to the bill. He did not think an act could be passed which would comprehend every case, and therefore as the courts of law would in time settle their own practice, which could be again altered as necessity required, he thought it much preferable to permit them

to do that, than to which in all cases according to the letter.

Mr. Secretary *For* thing which had been convinced him the more of it. The difference the judges, was a remedy should be applied when he considered many learned gentlemen their sentiments the necessity still strong. gent. who had just at one time of his life when he was chief justice he begged leave to never had heard the strongest negative opinion he ever met with. The strongest point in favour of the argument, he was to doubt ever did exist. lord, however, of (Eldon), had expressed doubts upon the subject did exist, the misadventures in every part of the kingdom, if the From every consideration possibly give the subject bill did not go one opinion of the judges, were perfectly consistent, for which reason the bill. The house then appeared; For the bill, 51; Against it,

HOUSE OF COMMONS

Thursday

[AMERICAN BILL]

Lord *Sheffield* said, the papers now on the table explain the nature of their lordships. He for several others, but the bill might be more fully explained. I proceeded to move for respecting the number of vessels employed in the periods since 1797.

Lord *Holland* observed the noble lord had in ascertained from the table. To prepare a would, in his opinion of much mischief. were granted; and I

tice, that he should, on Tuesday next, move that the 2nd reading of the bill be deferred till Monday se'nnight.

[IMPEACHMENT OF LORD MELVILLE.]

Lord *Walsingham* reported from the committee appointed to search for precedents of proceedings on impeachments, the ceremonial proposed to be observed on the trial of lord Melville, which had been recommended to them for alteration. His lordship having read the report,

The Earl of *Radnor* moved to add to it, in conformity with three precedents of impeachments previous to that of Mr. *Hastings*, that the peers should remain in their places, and not depart from them during the trial on each day.—A long conversation ensued between lord Auckland, the earl of *Radnor*, lord Holland, lord Eldon, earl Stanhope, the earl of Westmeath, earl Spencer, the duke of Cumberland, the earl of Darnley, bishop of St. Asaph, and lord Ellenborough. Most of the above peers objected to the proposition, as tending by its strictness, to cause great inconvenience to the peers attending on the trial, whilst, at the same time, there was no doubt at all that that order would be preserved which the solemnity of such an occasion required.

The Earl of *Radnor* conceived that the motion ought to be agreed to, in order to insure that strictness of order which was requisite on a solemn trial by impeachment, but in order to have a public attendance at its discussion, his lordship moved to adjourn the debate till the next day, and that the lords be summoned. On this motion the house divided; Contents 9; Non Contents 15; Majority 6. The report of the committee was then agreed to.

[INSOLVENT DEBTORS' BILL.] Lord *Ellenborough* moved for several Accounts of Prisoners confined for debt in the prisons of the Metropolis, at different periods; which were ordered.

The Earl of *Moir* expressed a wish that the 2nd reading of the Insolvent Debtor's bill, which stood for this day might be postponed till Monday se'nnight.

Lord *Holland* declared his readiness to accede to this request, and moved to discharge the order, which was renewed for Monday se'nnight, and the lords ordered to be summoned for that day.

Lord *Eldon* presented three petitions from certain merchants and tradesmen of the cities of London and Westminster, and the Borough of Southwark, praying that the bill might not pass into a law.

Lord *Holland* presented a petition of the debtors confined in the county of Leicester, praying that the bill might not pass into a law.

HOUSE OF COMMONS.

Thursday, April 24.

[MINUTES] Mr. *Glassford* took the oath and his seat for Dunbartonshire, the room of sir J. Colquhoun, vacated by the death of the late Mr. *Colquhoun*, was occupied by the Chiltern Hundreds. Mr. *Glassford* moved, that a committee be appointed to enquire into the expediency of repealing so much of the act of 17 James I. as related to the making of boots and shoes.—Lord *Reagh* moved for a return of the names of the most effective men in the army, from Jan. 1793, to the 1st of Jan. 1806. Mr. *Reagh* moved for a return of the recruits procured in each year, and the bounties given them: 2dly, of the names of men raised for rank, permanent or temporary, during the same period. Mr. *Howick* presented the estimates of the expenses arising from the additional forces ordered by his majesty in council to be sent to the officers and seamen of the fleet, between the 1st of May, and the 31st of Dec. 1806.—Mr. *Paull* gave notice, that on the next day he would move for the printing of the first article of impeachment against Mr. *Wellesley*.—Ordered, on the next day, that Mr. *Whitbread* do move, that a message be sent to the Lords, with a list of witnesses summoned to attend the trial of lord Melville, and Mr. *Whitbread* was ordered to bear the message to the Lords. Mr. *Whitbread* afterwards ordered, that a note be sent to the sergeant at arms, with the right hon. George Tierney, and to serve him with notice to attend the trial of lord Melville.

[EX-PARTE CRIMINAL PROCEEDINGS.] Mr. *Serjeant Best* rose and addressed the house as follows:—Some time since I obtained leave to bring in a bill to amend the publication of *ex-parte* evidence against persons accused of felonies and crimes previous to trial. It appeared to me, at the time, to be a necessary measure, and I must confess, that I am of the same opinion still. That opinion, however, has since been confirmed by what has happened about six years ago, at a trial before Mr. Justice Grose, at the Old Bailey. From the evidence, the judge was induced to direct the jury to acquit the prisoner. They, however, after many hours; and on their ret

foreman informed his lordship, that the reason of their delay was, that many of the jury were unable to separate in their minds the evidence, from what they before had read or heard of the circumstances relating to the transaction. This communication was made to me by Mr. Justice Grose himself; and I think is sufficient to justify me for having made the motion. But, sir, as a great number of persons of high station and character, and for whose judgment upon all subjects, I have the greatest respect, seem to think, that this measure might, in some degree, trench upon the liberty of the press, and as no man holds that sacred principle in higher estimation and value than I do, I should be the last to do any thing which might be thought to have a tendency to bring it into danger; and, with those impressions, I wish now to give notice, that it is not my intention to press the measure any farther.

[CUSTOMS DUTIES BILL.] On the motion for the third reading of this bill,

Mr. Alderman *Prinsep* begged leave, without intending to oppose the present bill, to call the attention of his majesty's ministers to the operation of the additional duty on the silk manufacture. Since the year 1787, the duty on silk had been encreasing, and yet no alteration had been made on the draw-backs upon that article. By the present bill, the duty would be raised from 7s. 4d. on thrown silk, to 12s.; and, on the raw material, from 3s. to 5s. He thought that a draw-back should be allowed in proportion to the encrease of the duty since 1787, as an encouragement to so important a branch of our national fabrics. But as it would be competent to ministers to make a provision to that effect in a subsequent act, he should, in the present instance, be content with calling their attention to the subject.

Mr. *Vansittart* assured the worthy alderman, that there would be no reluctance on the part of government to give every encouragement to that manufacture, if it should appear, after a proper enquiry, that such encouragement was necessary. This, however might be done in a subsequent bill.

Mr. *Barham* expressed his approbation of the liberal and candid manner in which ministers had listened to such representations as had been made to them on these subjects. He hoped that such modifications would be introduced into the duty on sugar, as would make it possible to pay it.

He thought that a committee should be appointed to examine the state of the colonies, in many respects, as this at present was not well understood. The late chancellor of the exchequer, who certainly was competent to form an accurate opinion on this subject, had said, that he never could learn the profits of the planters on any average price of sugar. If he found other gentlemen of the same opinion with him, he would, on some future day, propose such a committee as he had adverted to.

Lord *H. Petty* said that certainly, on the part of his majesty's ministers, there must be a disposition to give every sort of attention to this subject, and to listen to every important representation. He agreed that the subject was one of some difficulty, and that an enquiry of one sort or another would be very desirable.

Mr. *Rose* contended, that such an enquiry would be better conducted by the inspector-general than by a committee of the house.

Mr. *Barham* only meant, by proposing a committee, to give assistance to government, and, if there could be a better mode than this, he would have no objection.—After a few words from Mr. Johnstone and Mr. Manning, the bill was read a 3rd time and passed.

HOUSE OF LORDS.

Friday, April 25.

[MINUTES.] Lord Ponsonby (late the right hon. W. B. Ponsonby, was introduced with the accustomed formalities, sworn, and took his seat. His lordship's supporters were the earl of Besborough (as lord Ponsonby) and lord Dundas.—The earl of Orford (late baron Walpole) was also introduced, sworn, and took his seat. His lordship's supporters were earls Fitzwilliam and Spencer.

[IMPEACHMENT OF LORD MELVILLE.] Lord *Eldon* stated to the house, that there appeared to him an error in the report of the committee respecting the ceremonial to be observed on the trial of lord Melville, which it was necessary to correct. It was there stated, that on giving judgment every peer should say, "Guilty" or "Not Guilty,"—"upon my honour;" at the same time, laying his hand upon his breast. He conceived that this was erroneous, inasmuch as the decision on such an occasion must be the vote of the house collectively, and certainly, in case of a verdict of Guilty, it was not giving judgment, as the de-

pendant might move in arrest of judgment, the grounds of which motion would come to be considered by their lordships. The subsequent proceeding of judgment must result from the vote of the house, and be delivered by their speaker. He concluded by giving notice, that he should make a motion on Monday to rectify this error in the report.

The Earl of Radnor adverted to the motion which he made the preceding day, and which he still contended ought to have been adopted, respecting the peers sitting in their places on the trial of lord Melville, and not departing therefrom during the trial of each day. His lordship referred to six precedents of trials before the house, in which a similar order had been made; and contended that it ought to be made in this case, in order to ensure that strict decorum which was requisite on so solemn an occasion. Having moved the reading of the first standing order, requiring the peers to sit in their places in the house, as prescribed by act of parliament, he concluded by moving, that so much of the said order as was applicable, should be enforced on the trial of lord Melville.

The Lord Chancellor thought the strict enforcement of such an order would frequently be productive of great inconvenience. He had no doubt that their lordships would observe the greatest decorum upon the trial, whilst, at the same time, he conceived himself already under the standing order, with every necessary power to enforce the observance of decorum, whenever there was any deviation from it. He was likewise of opinion, that the present motion had been decided upon, in substance, the preceding day, and therefore ought not now to be entertained in another shape.—The Earl of Westmeath and Lord Auckland also opposed the motion, on the ground of the inconvenience such an order strictly enforced would produce. The latter noble lord said, there were 12 precedents of impeachment, in which such an order had not been made.—Earl Spencer thought it unnecessary, as it seemed to be agreed on all hands that the greatest possible decorum ought to be observed on the trial.—Several other peers briefly delivered their sentiments; and after the earl of Radnor spoke in explanation, the house divided—For the previous question, 37. Against it 10. Majority 27.

[AMERICAN INTERCOURSE BILL.] Lord Sheffield rose to move for several addi-

tional papers, which he thought necessary to the illustration of this subject. He should therefore first make a humble address to his majesty, and then instructions might be given to the lords laid before the house, a copy of which of the board of trade, delivered in 1784, to the privy council.

Lord Holland would not object to the production of the paper, but could not observe it was in consequence of a very report that those measures, which, for three years subsequent to the period, produced the most calamitous sequences in the West-Indies. He did not conceive, besides, that the production of the lords of trade in 1784, could be of much use in the present question, he objected also to the practice adopted by the noble lord of moving for papers in particular years without moving for the intermediate years.

Lord Sheffield contended, that many other papers which he should move for, would explain the state of the trade at different periods, and the opinions that were entertained of it.—After some conversation, it was agreed to, and the noble lord moved for a similar report of the board of Jan. 1791, and for a copy of all the trials presented at different times against suspensions of the navigation.

Lord Auckland declared, that the papers moved for by the noble lord, would be the least relation whatever to the bill before the house. The noble lord, that bill, he wished once for all to be decided, he seemed to be wholly misunderstood by the noble lord. It by no means intimated the introduction of any change in the navigation laws; its whole object was to make ministers responsible to their subordinate servants. As to the expense attending the production of the papers, they were so voluminous, that it would employ 60 clerks, for months to prepare them, which would prove a serious detriment to public business, without the expense attending the production of the papers. If it was intended to create delay for such volumes; that would be frustrated, for he was determined to proceed in the 2d reading of the bill without waiting for any such papers.

Lord Sheffield wished only for a copy of the papers, but this was also objected to, and the noble lord would point out some part to be extracted.

Lord *Auckland* took the opportunity of declaring, that he would not consent to postpone the 2d reading of the bill on account of the papers moved for by the noble lord.

Lord *Holland* suggested, whether the noble lord had not better move, amongst other voluminous works, for Anderson's History of Commerce and Postlethwaite's Dictionary.—After some further conversation the motion was negatived.

Lord *Sheffield* then moved for copies of all memorials and petitions presented to the board of trade since 1801, relative to suspensions of the navigation act.

Lord *Auckland* objected also to this motion, as the memorials (there were no petitions) would form several folio volumes, and were of no consequence to the question. Any of the memorialists, who now thought it necessary, might petition the house against the bill.—The motion was negatived.

HOUSE OF COMMONS.

Friday, April 25.

[MINUTES.] Sir J. Anderson brought in a bill to enable the proprietors of the new houses near Temple Bar and Snow Hill, to dispose of them by way of lottery, which was read a first time.—Mr. Manning brought up the report of the committee on the London Dock Improvement bill. The amendments were agreed to, and the bill ordered to be read a 3d time.—On the motion of Mr. W. Keene, it was ordered that there be laid before the house, copies of all applications to the court of directors, for claims on the Nabob of Oude, with the amount thereof, and the decisions thereupon.—Lord H. Petty, in consequence of some informality, felt himself obliged to postpone, for a few days, the motion of which he had given notice, relative to the provision for the family of the late lord Nelson, which he would bring forward, however, at an early opportunity.

[REPEAL OF ADDITIONAL FORCE BILL.] Mr. Secretary Fox, when he had, on a former day, moved that the order for the 2d reading of the bill for the repeal of the additional force act be deferred till Monday, had not in his recollection that on Tuesday a business was to come on of as great parliamentary importance as any the executive government could have to be sanctioned by the house, he meant the impeachment of lord Melville, which the house had determined to attend in a body. If

the house were to sit to a late hour was impossible there tence on Tuesday the house, the import and the respect due to After Tuesday, the firm, the same full a siness would not be so therefore, propose W for the 2d reading of

Mr. *Canning* did tion; but he hoped th for the second reading to, would be adhered out entering into the given for deferring th Monday, every one business was also of nature. Various reports had gone abroad on th the whole military system extremely important to as soon as possible.

Mr. Secretary Fox portance of the bill; grounds for putting i every one—the indis hon. friend who orig first instance, and t business to come on present. He agreed for Wednesday.

[INCREASED PAY] house having resolved mittee of supply, to the navy estimates, respecting the allowa to the officers and ser

Lord *Howick* rose —I rise, sir, pursuant to the house a prop am persuaded there c in this house. It mu of every Englishman adequate provision a of men who stand so timation, as the Bri have claims so peculi esteem and gratitude must, I say, be our mote the comforts, b sary rewards to that ing this, I cannot suf a doubt of unanimoi though I am confident justice of the measur mit will meet the r beral concurrence in

considerable, is called for by the most pressing claims of justice and necessity, and that the country cheerfully yields to those claims, from a well-deserved attention to the merits from whence they proceed. An addition to the pay of a certain class of the navy, has long been thought necessary, and that necessity has been frequently urged in vain. I was but a short time in the office which I have the honour to hold, when I found that measures were taking to lay the claims of this class before parliament; information reached me from a variety of channels, that petitions were left at the different ports for signatures, praying an increase of the pay of naval lieutenants, and that it was intended to have such petitions presented to parliament. The copy of these petitions I have seen, and it was, no doubt, couched in terms the most proper and respectful that could be devised; and the object of the petitioners struck me to be unexceptionably fair. But still I had objections to that mode of proceeding. I therefore thought it my duty to discourage it. I however took every means in my power to enquire into the case, well satisfied that if there were any ground of complaint in any part of the navy, parliament would seize the first opportunity to remove it, and the country would be forward to applaud the act. The result of my enquiry has served to convince my mind, that not only the class alluded to, but every other class in the navy, from the superior officers down to the ordinary seamen, labour under disadvantages which ought to be immediately set aside. With this conviction I am of course of opinion, that no measure of relief can be effectual, that in fact, any concession will lose much of its value, if partial in its application; and that the only way of doing substantial justice, and giving general satisfaction, is by raising the rates of allowance to all the classes of the navy. The complaint of the lieutenants, the house will recollect to be by no means new:

rank of our navy, from the highest to the lowest. Indeed, it can only be to state this proposition to insure success, without any argument which shall, of course, exclude from the arrangement, those officers who receive year any addition to their pay; I mean masters and surgeons. They are doubtless entitled to the attention they have experienced, but they have their due proportion upon the subject to propose. To all the other officers I intend to extend the augmentation. I am confident that I shall make no partial selection in this resolution I am justified by the advice of the most competent authorities, persons best qualified to judge of the subject. It has been strongly urged by every person with whom I have consulted, that the warrant and petty officers are particularly entitled to a liberal increase; and not only the necessity of serving a fair proportion, and that of guarding against discontent, but itself pleads in favour of the same. Indeed, in the opinion of all naval men, it would be highly imprudent to advance the pay of the warrant and petty officers without granting a proportionate advance to the able and ordinary seamen. I am confident that an advance was made to the warrant officers in 1797. But still it will be admitted that the enhancement of all at once, at the first necessity, and the depreciation of money which has taken place within the last nine years, the demand of a liberal advance to these meritorious men, will be considered unreasonable. To grant any increase of wages proportionate to the circumstances I have mentioned, is contrary to my intention to attempt. Indeed, such a thing would be scarcely possible. I have endeavoured to keep equally in view the degrees of rank and the merits of the officers, and hope I have avoided the inequality and inconvenience of any partial selection such as prevailed in 1797, when the

tion to the seamen's wages was not such as to afford them much advantage or satisfaction, and yet it created an undue proportion in their favour. By any man who reflects but a moment on the sufferings, the privations, and the services of our seamen, it is impossible that a doubt can be entertained of the propriety of affording them every means of consolation in our power. Look but at the difficulties and dangers to which they are exposed every hour; review the manner in which they have overcome every difficulty and danger that has heretofore assailed them, and mark the glory which you have derived from their dauntless exertions. After this review, is there an English heart which would not revolt at a moment's hesitation to grant the just claims of an English seaman? But independently of any appeal to liberality, the pretensions of the seamen are incontrovertible. When we consider the nature of the service in which they are engaged, what must be our reflections? Withdrawn from all the enjoyments of domestic comfort, exposed to all the hazards of war, deprived of the profits and security they had on board merchant-ships, from which for the most part they have been taken; the prospect, in fact, of future advancement cut off, and perhaps forfeited for ever; such has been the state of the greater part of your present seamen for years back, excepting in some degree, that period of disturbed and agitated peace, if that could be called peace, in which you were subject to all the embarrassments, and obliged to maintain all the expences and apparatus of war. A large proportion indeed of your seamen has been in actual service for 12 or 13 years, and in actual service of the most toilsome, dangerous, unprofitable, and unpromising description; compelled for the most part, of late years, to encounter the inclemency of all seasons, they have had to watch the enemy in his ports, without even the hope of meeting and conquering him, which would render a British seaman indifferent to fatigue. No; the enemy having no means of safety but in eluding the vigilance of our seamen, disappoints that thirst for conquest and glory which distinguishes our gallant tars, and which reconciles them to danger. Under such an accumulation of disadvantages, can you, I say, refuse them any comfort in your power to administer? can you hesitate to furnish them with the means of solace on their midnight watch?—Having now stated

so much at large, the motives which have induced me to bring forward this proposition, I shall now proceed to detail the several items of the encrease which I have to offer for your consideration. It will be observed, that my arrangement does not include the landmen; because I feel, that, as they enter voluntarily, aware of all the circumstances of the situation in which they engage, they stand on a footing quite different from that of the seamen. Now, as to the scale of augmentation, I propose to allow every ordinary seaman an additional pay of 2s. per month; to every able seaman 4s. per month; to all petty officers, who, according to the universal opinion, are so materially instrumental in preserving the discipline, and promoting the success of our fleets, 5s. per month. At the same time I mean, that a considerable addition should take place in the number of this very useful body of men. This addition to include all those who are denominated on board, the captains of the fore-castle, of the mast, of the tops, and of the afterguard, who are the most active seamen on board; and to each of them I propose an increase of 9s. 6d. per month. To master's-mates and warrant officers I would give an addition of 6s. per month. As the warrant officers are retained and receive their pay during peace, as well as war, the addition to be granted them, in this instance, is only to be allowed while they are in actual service. To the master and surgeons, I have already stated, no addition is to be made. But there is a class of persons in the navy, whose claims to attention are as well founded as the general respectability of their character, I mean the chaplains; among the general advance, I propose to grant to the chaplain the appointment of schoolmaster, which will form an addition to his revenue of 20l. a year. I now come to the commissioned officers, whose pay has not experienced any rise since the days of queen Anne. First, as to lieutenants, who have received but 5s. per day since that period, I should add 1s. per day; to the captains and admirals, whose pay has been as stationary as that of the lieutenants, I would also make an addition. The captains, I assure the house, although their complaints have not been so often heard, have as much ground to complain, and are as much entitled to attention, as any class in his majesty's service. To the pay of these officers, therefore, I would add 4s. per day. The

gradation respecting the admirals I would arrange thus: to rear-admirals an addition of 3*s.* 6*d.* per day; to vice-admirals, 5*s.*; to admirals, 7*s.*; and to admirals of the fleet, 10*s.*—The aggregate of the estimated charges under these several heads will be 288,366*l.* or say 300,000*l.* per annum. But as the increase for the present year will only commence from the 1st of May next, I have only now to move for the grant of 193,168*l.*—To the principle of this arrangement I have no fear of any opposition, and if in the details any thing objectionable should occur, I shall be very willing to attend to the suggestion of any gentleman upon it.—The plan of providing for those who are able to serve being gone through, we naturally turn our attention to those who are disabled by age, infirmity, or wounds, from any longer serving their country. For such persons Greenwich chest and Greenwich hospital already furnish some provision. As to the hospital, that institution has quite sufficient funds to answer its object, and any further allowance to the seamen who subsist on it would be rather liable to abuse; but as to the chest, its funds would be insufficient for the purpose. Those in view require an addition of from 14 to 20,000*l.* Out of this sum I would have allowed to out-pensioners a certain addition to each, to be regulated according to their services and their present situation. From 7*l.* a year, it should rise in gradation till it reached 1*s.* per day. For this sum I mean no addition to the public burthens. I propose it to be provided for by a measure which will require a bill to be brought in, namely, by a grant of 1*s.* in the pound from all prize-money; and, in addition to this, I have no doubt of his majesty's consent to set apart, for the same purpose, all *droits* of the admiralty. His majesty's uniform solicitude for the comfort and reward of the navy, warrants a confidence in his acquiescence upon this subject. It will be seen that I have altogether omitted any allusion to the marines, not however from any disposition to overlook their just claims. But this description of force having so much analogy to the regular army, I thought it better to postpone any reference to their case, until the question respecting the pay of the army shall be determined. I have now nothing more to add, than to assure the house, that in the preparation of the arrangement I have detailed, my anxious endeavour has been to

reconcile all sides. I flatter myself the outline will not be ungraciously received by any one. If, however, difference of opinion should arise in detail part, on which I may perhaps deviated from principle, which is unexceptionable, I hope that it may be considered on its own merits, which I wish is, that no comparisons may be instituted. They must tend to excite the most odious feelings, possibly other mischievous effects, while they can serve no legitimate argument. The army and navy are both the means of our safety, and both entitled to our warmest gratitude. Each is deserving of our constant and diligent attention. But then they stand on different grounds. No comparison may be fairly instituted between the pretensions of both. What may be said for the one, it may be impossible to say for the other. I, therefore, hope the two cases may not be confounded, and in discussing this subject, gentlemen may avoid any reference to extraneous matters, but decide upon it from a fair and honest consideration of its own justice and expediency.—The noble lord concluded, being requested to be chairman; in reply to a question from Mr. Wilberforce, he stated, that the addition to the number of petty officers would amount to about 10 in each of the line.

Mr. Francis confessed that the subject was new to him, and that his apprehensions might appear to have no foundation. He had one general question to propose, which he wished to know whether, when the officers and seamen was originally considered, the probability of prize money was taken into consideration, and whether that ground the pay was not fixed at a much lower rate? whether the prize money connected with the prize money, was considered as sufficient? As to the friend's request, that no comparison be instituted in this discussion between the case of the navy, and that of the army, he rather apprehended that if there was any inequality in the proposed arrangement, pay in the two branches of service, pleasant comparisons would be made where, however studiously any such subject might be avoided in the discussion.

Lord Garies said, that having frequently and maturely considered the subject, he thought great credit due to the noble lord, who, after being

time in office, was already prepared with so desirable a measure. But though he highly approved of the principle of the measure, he could not equally approve of the application proposed to be made of the sum of nearly 300,000*l.* in the classes in which it was meant to be distributed. The warrant and petty officers were known to all professional men, to be the life and soul of the navy of Great Britain, and even according to what was now proposed, would be inadequately provided for. It was of the utmost consequence to attach that class of men so to the naval situations they held, as to take from them all wish or inducement to go into the merchant service; to which, he lamented to say, that many of them were at present strongly inclined. He had no objection to the gradation made from admirals to lieutenants, but very much wished that greater attention had been paid to the pay and situation of the first lieutenants of men of war, who had now no more rank or pay in the service, than young lieutenants of a day's standing, though in action they were every moment liable to have the whole command of the ship. He thought that, for the sake of maintaining a proper distinction, they should be allowed a further daily increase of 5*s.* pay, which, to the nation, would not make an additional expence of more than 5*l.* a day throughout the whole navy. As to the warrant and petty officers, he would again repeat, that they were the flower and strength of the navy of England, and amongst other things, had charge of the stores of the ships, which cost the nation so many millions. He thought it but reasonable that their pay should be increased to 5*l.* a month, which was what they could get in the merchant's service; and as there were but 3 of them in each ship, the rise could not be attended with any great expence. In great ships, where there was more duty, they certainly were inadequately paid, though he would not say the same of them from 74 gun ships downwards. In his opinion, the situation of petty officers should correspond with that of quarter-masters, and the situation of warrant officers with that of serjeants in the army. The petty officers, in time of peace, would get 3*l.* per month in the merchant service, but if government were to allow them the same, they would have no inducement to enter it; and he thought it would be much better to do it now, during war, than wait till a time of peace, on the arrival of which he feared a great number would quit his majesty's service, as they could find superior inducements elsewhere. Were it done now, he believed it would produce the best effect; and no man would prefer a severe discipline, to being at ease when accustomed to it. He was satisfied in a satisfactory manner to feel no inclination to leave the service, and he was certainly desirous of a promotion that could be as meritorious as their own. He rather saw the necessity of the change applied to the warrant and petty officers. He received, that the only objection between him and the promotion was the propriety of the measure. He would go farther and though the practice of the navy was one, he dreamt of giving up; and he thought it would be as many men as would rather than to depend entirely on him. He also suggested a further inducement to the out-pension of it to the widows of a slain in service; and he thought that warrant officers for a certain number of years, incurring any punishment, or by desertion, should be banished from the service. He said, that he should be only the singular case of an individual unsuited to the service, and there in addressing him he had the satisfaction of opinion was fortified by the example of lord (Melville) who had lately fallen from the house, must be a great practical example to himself authorised noble lord remained head of the administration which he now had been carried out of the house would progress, if he further viction, that it was induced by that noble lord, that we were in the extent of glory, which land had acquired

last year.—The resolution was then agreed to.

[*SLAVE IMPORTATION BILL.*] * The *Attorney General* moved the order of the day for the farther consideration of the report of the bill for preventing the importation of slaves into the conquered colonies.—On the question being put,

Mr. *Rose*, having several considerations to offer against this bill, from the effect it would have on the general commercial interests of the country, and which he wished to have an opportunity of communicating, without the necessity of making them public, submitted to the learned gent. the propriety of delaying this question two or three days: it could be productive, he thought, of no inconvenience to delay it till Tuesday.

Mr. *Secretary Fox* did not see why the consideration of the report should be delayed on that account. His learned friend would, he doubted not, readily agree to postpone the third reading until Tuesday, which would answer the same purpose.

Mr. *Rose* said, that if the report were now to be considered, he must call the attention of the house to several important points connected with this bill. He conceived now that the ports of the North were shut against our commerce, this bill would operate in still further injuring that, and our manufactures. The value of our manufactures exported annually to Africa was above two millions. How much of this gross amount would be affected by this bill, he could not pretend to say; but certainly enough to induce the house to pause, before, at such a crisis as the present, they sacrificed it. Our East-India trade would be materially injured likewise by its operation, as likewise our direct trade to the Spanish Main, which was highly profitable. What object was attained by the bill? If the abolition of the slave trade, the plain fact that as we receded from the trade the Americans advanced in it, would be sufficient to shew the absurdity of the idea. Those, indeed, who professed to be the friends of humanity, ought scarcely to support a bill which was calculated to divert the African trade into a channel much more injurious to the interests of humanity, than that in which it then was. The last ship from Africa to Carolina buried 152 slaves on her passage, and yet her voyage was considered sufficiently profitable. If the bill passed, the consequence would be, that the manufacturers of Manchester, Stockport, and

Paisley, would be going about starving, and thus by attending to their own claim, or relief from a distress, we should give existence to more distress at home.

The *Attorney General* remained silent to these observations went to the principle of the bill, and not to the introduction of any modifications, the propriety of which he had better be reserved till the third reading of the bill. They would attend to it proper in that stage of the bill as it was desirable, he thought, that there should not have two debates on the same subject. If the right hon. gent. had motions to offer, he had better offer them now once for all, or postpone them till the stage he had alluded to. It was a matter of indifference to him, whether the principle should be now debated, or afterwards, but he did not wish it to be twice debated.

Mr. *Rose* said he should still leave himself at liberty on the 3rd reading to make what observations might occur, which would not tie himself down to any particular stage of the business.

General *Tarleton*, as a representative of the city of Liverpool, had the honour to present several objections to this bill. The object of the bill was to prevent the importation of slaves into the foreign colonies, by the coasting trade. Nothing could be conceived which would tend more to injure the interests of the navy. We ought to take care of the interests of our navy, and the coasting trade would take care of itself. The coasting trade had been the great cause of the prosperity and opulence of Liverpool. The sailors in this trade were the backbone of the navy, and could be found, and the great numbers of sailors for our navy were obtained from the coasting trade of Liverpool. Although many might be of opinion that the coasting trade was the chief nursery for our marine, yet it was certain that sailors were good in the coasting trade to the length of their voyages, and of the sailors in the African trade, certainly long ones. There had been considerable actions, such as the *Algar*, and others, in which the crews of this trade were not to be found in considerable numbers. The consequence of this trade, in any degree, would be to throw it into the hands of the Americans, who could carry it on cheaper, and thus we should also send our capital to America. Mr. *Tarleton* would ask an hon. gent. (Mr. *Rose*) whether he meant to bring it

mitted an absence from their charges of 4 months in the year, curates should receive a comfortable subsistence for regularly performing the duty of a parish? He thought that it was just rectors should be told, you may reside if you please, but if you chuse to indulge in non-residence, you must provide some person qualified to discharge the duty, with a comfortable subsistence. It had been said, that every thing of this kind should be settled between the rector and the curate, and that the compensation from the one to the other should be permitted to find its own level. But he contended that this mercantile principle was inapplicable to this subject. The interest of the public must also be attended to; and it was their interest that parochial duty should be well performed. It was certainly essential to the proper performance of that duty, that the curate should be enabled to appear with some respectability in his parish; and how could he do this, unless removed from that state of indigence to which so many of them were condemned? He should consider it as the greatest boon which could be granted to the country, were every parish to enjoy a resident clergyman of respectability. With respect to the discretionary power of bishops, he had no objection to their being imperatively bound by the act to assign the due proportion, namely, one-fifth of the living, to the support of the curate, in the case of non-residence. He hoped, however, that if gentlemen considered the importance of every parish enjoying a residing clergyman, they would not object to the bill going to a committee, in which it might undergo many amendments.

Lord *Porchester* was astonished to hear the learned gent. call on the house to take time to consider of the merits of the bill, as in his statement in bringing it in, he had said, that it contained nothing new. The learned gent. had expressed a wish that, if possible, every curate should have 250*l.* but, he believed he could with truth state, that the average of the livings in England did not amount to more than that sum. Parliament might insist on the residence of the clergy, but he conceived it had no more right to dispose of their property than that of any other set of men. The avowed object of the bill was to compel the residence of the curates; now it so happened, that this object was not obtained. Bishops had the power of appointing a curate when the rector was absent, but

the public had no see be done. The noble the different parts which he objected; and, he would oppose as he did not think it a committee. He sa ought to be made c could think of transf manner proposed by ed to giving a power had never failed to ex was within their gras bility would be impos the inferior clergy w state of servile deper rious thing to degrad a portion of the mid ple. As to correctio mittee, that was imp clause in it was alter pass consistently wi justice.

Mr. *Fellows* supp he was convinced it of inducing many of on their livings, and every gentleman in justice of peace, wh a clergyman did not to the good order and The number of pari between 11 and 12,0 there were no resi was an evil which corrected, and he ho allowed to go into a

Lord *Porchester*, that the number of 11,600. Of these the the clergymen could parsonage houses. 7 rishes gave notice tha there were altogeth non-resident.

Mr. *Barham* obje likely to have an effe what it proposed. I ligious instruction, k minish the number c the strongest object power of the bisho nature of things, t clergymen possessed. portion would they ex Let curates be provi except by the injus went to establish.

Mr. *Wilberforce*

men doing all the duty of parishes, and not having allowances sufficient to exist in, was an evil, the removal of which could not it seems be endured. What could be said if a captain of a man of war should receive all the salary and emoluments belonging to his ship, and, living upon shore, should appoint a deputy to perform the duties of the ship, at a very low salary? Could such a practice be endured in the present situation of this country? Yet such was the case with the non-resident clergy, and shewed the effect of custom, and of a habit which should be remedied. For the further elucidation of this subject, the hon. gent. adverted to a letter he had that day received, upon other business; but in which the case of a poor curate was related, who, from indigence, was obliged to employ himself in weaving cotton. It was truly lamentable that men, bred to such a profession, should, by such occupations, be under the necessity of degrading the character of a clergyman; and while ecclesiastical livings were private property, and great and important duties attached to them, the clergy certainly should render themselves to be respected by their parishioners; we must not, therefore, call it a violation of that private property, when we endeavour to secure a resident, to do the duty of his parish with reverence, with decency, and with respectability to himself, and to the satisfaction of his parishioners. It appeared, that while

The question then would be, what the substitute to receive? No salary was provided for here; but a fine was provided for here; but a fine might be inflicted on the man who did not reside in his parish. It was a monstrous principle to enquire into all the part of a man's property, (he did not mean but that, in some particular cases of taxes, it might be necessary), and what a man was to pay out of his property to the person whom he employed. The evil complained of could not be removed without attacking pluralities. He sincerely wished all the curates had a salary, but that the public was not able to give them. He equally wished the abolition of pluralities, and if any man who was more competent than himself would consider it, he thought it would be laudable, spirited, and practical to undertake. In the parish of C where he resided, the amount of the rector's income was no more than £1000 per year. According to the provisions of the bill, the curate was to have but 20% of that, and in a parish next it, where the curate's income was not half so great, the income of the rector was five times as much. This measure being vicious in its principle, he would not propose it in the present stage.

Lord Castlereagh said he should spare the house the trouble of hearing arguments which might be applied with propriety to the bill when in a committee. He did not however agree with the

mitted an absence from their charges of 4 months in the year, curates should receive a comfortable subsistence for regularly performing the duty of a parish? He thought that it was just rectors should be told, you may reside if you please, but if you chuse to indulge in non-residence, you must provide some person qualified to discharge the duty, with a comfortable subsistence. It had been said, that every thing of this kind should be settled between the rector and the curate, and that the compensation from the one to the other should be permitted to find its own level. But he contended that this mercantile principle was inapplicable to this subject. The interest of the public must also be attended to; and it was their interest that parochial duty should be well performed. It was certainly essential to the proper performance of that duty, that the curate should be enabled to appear with some respectability in his parish; and how could he do this, unless removed from that state of indigence to which so many of them were condemned? He should consider it as the greatest boon which could be granted to the country, were every parish to enjoy a resident clergyman of respectability. With respect to the discretionary power of bishops, he had no objection to their being imperatively bound by the act to assign the due proportion, namely, one-fifth of the living, to the support of the curate, in the case of non-residence. He hoped, however, that if gentlemen considered the importance of every parish enjoying a residing clergyman, they would not object to the bill going to a committee, in which it might undergo many amendments.

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Mr. *Wilberforce*

that this bill was to experience any opposition, as it was one which went to provide a suitable maintenance for a man who performed the duties of religion out of the profits of him who did no duty for them. There were certain evils in society which were so long endured that they became, in some manner, a part of our nature, and when any attempts were made to remove them, we were apt to say, that the same would be fruitless. Such was now the case with regard to the clergy. The evil of men doing all the duty of parishes, and not having allowances sufficient to exist on, was an evil, the removal of which could not it seems be endured. What would be said if a captain of a man of war should receive all the salary and emoluments belonging to his ship, and, living upon shore, should appoint a deputy to perform the duties of the ship, at a very low salary? Could such a practice be endured in the present situation of this country? Yet such was the case with the non-resident clergy, and shewed the effect of custom, and of a habit which should be remedied. For the further elucidation of this subject, the hon. gent. adverted to a letter he had that day received, upon other business; but in which the case of a poor curate was related, who, from indigence, was obliged to employ himself in weaving cotton. It was truly lamentable that men, bred to such a profession, should, by such occupations, be under the necessity of degrading the character of a clergyman; and while ecclesiastical livings were private property, and great and important duties attached to them, the clergy certainly should render themselves to be respected by their parishoners; we must not, therefore, call it a violation of that private property, when we endeavour to secure a resident, to do the duty of his parish with reverence, with decency, and with respectability to himself, and to the satisfaction of his parishoners. It appeared, that while gentlemen on the other side talked of the hardships this measure would put upon rectors and vicars, they forgot the case of the poor half-starved curate with his large family. For these reasons, therefore, and feeling the great importance of the measure, and the benefits which must arise from it to the public at large, he gave the bill his most hearty concurrence.

Mr. Secretary Fox first objected to the bill on account of the enormous power it went to give the bishops. He also object-

ed to the principle of it, which was in opposition to the principle of a committee could not be. The principle was bad, because it was not in the public interest in view. It was the stipend of a curate not connected with his public duty, but with the private of his employer. No regard was to be paid to the duty or the performance of the curate, merely to the property of his employer. Every man wished that clergy should reside on their livings; but as pluralities existed, that could never be. The question then would be, what was the substitute to receive? No provision was provided for here; but a tax might be inflicted on the man who did not reside in his parish. It was a monstrous principle to enquire into all the particulars of a man's property, (he did not need to be told that, in some particular cases, taxes, it might be necessary), and to say what a man was to pay out of his property to the person whom he employed. The evil complained of could not be removed without attacking pluralities. The curate merely wished all the curates had a fixed annuity, but that the public was not able to give them. He equally objected to the abolition of pluralities, and if a man who was more competent than himself would consider it, he thought it a laudable, spirited, and practical undertaking. In the parish of St. Martin's, where he resided, the amount of the rector's income was no more than £1,000 a year. According to the provision of the bill, the curate was to have but 200 and in a parish next it, where the rector's income was not half so great, the curate was to have five times as much. This measure was being vicious in its principle, he proposed it in the present stage.

Lord Castlereagh said he should spare the house the trouble of his arguments which might be applied to the propriety to the bill when in a committee. He did not however agree with the measure urged by the right hon. gent. who had urged it. He thought the bill could not apply in all cases in his opinion, right to apply the measure in cases in which it could be applied. There was no objection to the bill that it should not be carried into effect in every parish. It appeared to him, that all the objections which had been alleged against the bill were chiefly of a nature which went to the principle of it, but against the principle of any bill which had for-

the regulation of this subject. This bill did not give to the bishop so much power as the former bill, which was now the law, for by that bill the bishop had the power of giving the whole of the rectory to the curate up to the extent of 75*l.* a year; whereas by this bill, no more could be given in any case than the one-fifth of the produce of the rectory.

Mr. *Alexander* was against the bill as a partial measure; whereas, if any thing was done at all in this matter, the whole of it should be taken up on a broad and general principle. Pluralities and all other abuses should be considered, if the subject was to come under legislative consideration.—The house then divided, when there appeared: For the second reading, 13; Against it, 25. Majority against the bill 12. It was consequently lost.

HOUSE OF LORDS.

Monday, April 28.

[IMPEACHMENT OF LORD MELVILLE.]

Lord *Auckland* moved, that this house do strictly prohibit and forbid any publication whatever of the Trial of lord Melville, during the continuance of the same; and that notices of such order be posted up on the doors of this house, and on the doors of Westminster Hall.

The Duke of *Norfolk* asked if there was any precedent for such a motion?

Lord *Auckland* replied in the negative; but argued that such a regulation was called for by reason and justice. He adverted to the instances of speeches, or proceedings, for 2 or 3 days successively, namely, on one side of the question, and in support of the charges, without the other party having an opportunity of urging a tittle in his defence against such allegations. He would put it to their lordships, and appeal to the whole house, whether it were fit that partial publications of the proceedings should go abroad in that manner?—The motion being read from the woolsack,

Lord *Eldon*, according to his conception of the motion, as he heard it read, thought such an order would go to the prohibition of the trial being published altogether, even after its conclusion; which, he seemed to think, could not be what was intended. He, however, highly approved of the principle upon which the prohibition proceeded, and he lamented the partial publication of trials, as frequently practised with respect to the courts below. He was sorry to say, that he was old enough to have

seen, in his time, from that practice; luded to the case of He therefore approved proposed; it would which might afford be deemed guilty, after hearing the lords' judgment establish the innocence

Lord *Hawkesbury* in the prince noble and learned ceived the effect o to prohibit the put together, he thought be introduced ther to a prohibition during the trial.

The Lord *Chancellor* might be owing to the motion, that it into such a supposition words in the motion adverted to, and he necessary to the house, that such a

The Duke of *Norfolk* words on the occasion the impracticability which should trans going forth.—The and the motion against ships, and ordered port of the committee late the ceremony taken into farther duke of Norfolk, Hawkesbury, were In respect to the different peers of parliament at Westminster-hall that the regulation of impeachment should On the motion of the report which giving judgment, was deration till a future

HOUSE OF COMMONS.

Monday.

[IMPEACHMENT.]

The *Speaker* stated, appointed for the trial lord viscount Melville the house precisely attendance of the members take the chair at a quarter then give orders to

clear the passages, and to summon the members. At half past ten, the managers of the impeachment would go forth and take their places at the bar. The members would then be called over by counties, and proceed accordingly.

[INCREASED PAY OF THE NAVY.] Mr. Vassittart brought up the report of the committee of supply, for granting additional pay to the navy. On the question being put, that the resolution be read a 2d time,

Lord *Garlies* rose, not to oppose the resolution, but, as the noble lord who had brought this question before the house had expressed his readiness to listen with attention to whatever should be said on the subject, to propose some considerations by way of amendment to this measure. He approved of the intention on the part of the noble lord to ameliorate the situation of those employed in the naval service; and felt highly gratified by the attention the noble lord had given to the subject; but he was disposed to go somewhat farther, and thought, that two amendments he had to propose would render still more complete the system of encouragement and amelioration proposed by the noble lord. The first amendment he would propose, was that the first lieutenants of the line of battle ships, in order to render them superior to lieutenants of inferior rates, and of their juniors in point of service, be allowed 1s. per day above the ordinary pay of lieutenants. He proposed, that those having 6 years seniority should be admitted to this distinction. The additional expence would not be above 5 or 6l. a day, which was a trifling consideration in comparison of the advantages that, in his opinion, would be derived from it. The next amendment he had to propose respected the petty officers. At present they were eight or ten in number on board each ship. The noble lord had stated his intention to increase their number. This however, he thought, would introduce considerable inconvenience. Instead of augmenting the number of the present class of petty officers, it would be better to introduce a new class, and to make that description of men, so useful on board a ship, and known by the appellation of quarter-gunners, rank with the petty officers, giving them 1s. per day in addition to their present pay. There was one generally to every four guns: the additional expence, even in a first rate, would be very inconsiderable. There was

another description of seamen whom a sufficient encouragement held out in money; he would commend that the Greenwich in case of their deaths, be held widows, orphans, or mothers. be an inducement to them to re service, and would make up, in sure, for their small pay. In the propositions he had made, his lordship wish to be understood as inclining to oppose ministers; contrary he had communicated to the lord of the admiralty all the orders he had now stated, as well as the former night, previously to the being laid before the house. Hence, he thought, was becoming a professional man, and due on all occasions a first lord of the admiralty. As that he was not disposed to urge opposition in opposition to ministers, he retained any wish to embarrass them on a former occasion, declined the thanks of the house to sir David sir H. Popham, when he found the position contrary to the inclination of the officers, though he thought those officers had deserved very high country. The noble lord then was going to read his amendments in force.

The *Speaker* reminded the noble lord that the subject before the house was a resolution, granting his majesty a sum. This grant might either be voted off, or the resolution might be carried out, but it could admit of no more. If the sum was granted, it must be at the disposal of the crown.

Lord *Howick* was of opinion that the only mode of proceeding proper was to leave the noble lord, if he persisted in the amendments he had adverted to, would propose new estimates, agreeably to the alterations he wished to introduce. In high terms of the candour of the noble lord, and could not suspect him to oppose ministers, except he should feel it his duty to do so. He returned thanks to the noble lord for the suggestions with which he had furnished him, and had given them all consideration. He had laid the subject before the house, however, he had without communications from the naval authorities, from which he certainly did not exclude the noble lord, though he had thought it

the regulation of this subject. This bill did not give to the bishop so much power as the former bill, which was now the law, for by that bill the bishop had the power of giving the whole of the rectory to the curate up to the extent of 75*l.* a year; whereas by this bill, no more could be given in any case than the one-fifth of the produce of the rectory.

Mr. *Alexander* was against the bill as a partial measure ; whereas, if any thing was done at all in this matter, the whole of it should be taken up on a broad and general principle. Pluralities and all other abuses should be considered, if the subject was to come under legislative consideration.—The house then divided, when there appeared : For the second reading, 13 ; Against it, 25. Majority against the bill 12. It was consequently lost.

HOUSE OF LORDS.

Monday, April 28.

[IMPEACHMENT OF LORD MELVILLE]

Lord Auckland moved, that this house should strictly prohibit and forbid any public meeting whatever of the Trial of lord Melville, and the continuance of the same; and that notices of such order be posted up in the doors of this house, and on the walls of Westminster Hall.

The Duke of *Norfolk* asked if there was any precedent for such a motion.

Lord Auckland replied in the affirmative, but argued that such a regulation would be based on reason and justice. He referred to the instances of speeches, and of sittings, for 2 or 3 days successively, on one side of the question, and the support of the charges, without the other having an opportunity of argument, in his defence against such allegations. He would put it to their lordships whether, to the whole house, whether in committee, that partial publications of the evidence should go abroad in that manner.

Lord *Eldon*, according to his usual belief of the motion, as he heard it, and in the process of such an order would go to the expense of the trial being published to this tax, even after its conclusion, and that decision to think, could not be wasted on the funds. He, however, highly approved the principle upon which the order was made, and he lamented the abolition of trials, as it was a disrespect to the courts, and to say, that he was not

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Mr. Huskisson said that the Government would not be easy in withdrawing their money from the Irish bank funds.—The motion

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; but that scene, if it were possible for
to forget it, will not be forgotten or
ven by the dispassionate and thinking
of the people of England; or the injury,
at one of the representatives sustained,
in the act of bringing forward their
, certainly no cause of my own;
endeavouring to bring to condign
hment, a delinquent most powerfully
sted, and whose profusion, whose
ragance, whose corruption, prodi-
and waste, have grievously added,
ill still add greatly to the burthens
people of this country; but, sir,
obleman cannot now escape, and had
ten sanctuary in the bosom, instead
house of the premier of England,
that, sir, could not now secure him
the hand of justice.—It has been
sir, I do not know for what pur-
or for what end, that I came into this
purposely to accuse the marquis of
sley; I do not think it necessary either
nit or deny the fact; but, if such was
otive, I can only say, that it was
more disinterested than generally
as in these days of corruption; but,
ering the quarter from which the
xproceeded (from Mr. Wellesley Pole)
ie tone, temper, and gesticulation
ver unparliamentary in which it was
ed), I appreciate the observations
ight; but if such a motive could be
nable, I appeal to the house and to
blic to decide between my motives

to speeches in parliament, but p-
circulated out of doors, with the
the author? No, sir; no friend
Wellesley's has dared to question
I allude to, or to desire the h
and 29 directors, to substantiate s
or to retract declarations so
urged.—The conduct of the marq
lesley's friends is particularly des
notice. Whilst facts are asserted
proofs are called for, but not actu-
duced, they pretend to court enq
are clamorous for investigation; t
transactions are described as ur
iniquitous; when acts are ass
having originated in fraud, and e
murder; when the papers are pro
substantiate the facts; to what shift
friends of the marquis of Wellesley
They are indignant at accusation;
quietly under the proofs adduced
motions of the treasurer of the
have they presumed to question t
gations of Mr. Sheridan? No; bu
one part of the administration are
up the marquis as a profound sta
and the treasurer of the navy depict
as a great state delinquent, the r
and friends of lord Wellesley are
upon me to be brief in my accu-
whilst the crimes committed in t
natic, and the charges of Mr.
and Mr. Sheridan are allowed to p
noticed, unrefuted, unattempted to
tradicted.—But, to return to the Kn

may, impeachable. The relatives of lord Wellesley will not, of course, listen much to what I recommend; but England expects decency from them at least, and that, until lord Wellesley is declared unimpeachable, by a vote of this house, the person at least who is so much implicated in certain of his proceedings, will not in future, by an ill-timed declaration of innocence, or by threats as contemptible as they are ridiculous, attempt to slander, sir, the person to whom he cannot impute any motives but those of a public nature, appearing as the public accuser of a man covered with crimes, and whom, if possible, I am determined to prosecute to conviction.—It is painful to revert to what passed upon a former occasion, but the words made use of by the right hon. secretary of state (Mr. Fox) cannot pass without observation; I can tell the right hon. secretary, that his words have only excited, in my breast, sentiments of sorrow upon his account; and having no wish to irritate, where it would be policy to conciliate, I beg leave to tell him that his threat of “peril” was as injudicious as it was unexpected. But, sir, were I to throw down the brief of the people of England, the house must proceed on the charge, and the proof I have brought before them; and it will be from no fear of the threat of the foreign secretary, if I give him and the house the repose he so much desires and implores.—It has been stated by some gentlemen, but by none so particularly and so pointedly, as by the right hon. the rescinder of the former vote of this house (Mr. Sheridan) for printing of the charge against lord Wellesley, that I had adopted a proceeding novel, unprecedented, extraordinary, and, I believe, he said, improper. Now, sir, I appeal to you and to the house, and request attention to the mode of proceeding. It was, I maintain, neither novel, or unprecedented; extraordinary or improper. It was constitutional, it was fair, it was consistent with former usages; it was the only course of proceeding that I was warranted in adopting, under the circumstances of the case; and had gentlemen been as ready to set me right as to take advantage of a trifling error of mine, (not being perfectly acquainted with the tactics of this house,) I should have been saved much trouble, and the house would have been spared the scene it witnessed last Tuesday. But I have escaped unscathed; and perhaps others may hereafter (the accused nobleman I am alluding to) will have occasion to

lament the proceeding —The shout of the (lord Temple) on the cry with the right hon. board of controul (in consequence of a remembered, will, if racter of the English though they may not and bitterest sorrow will be taught not to have fled, until the As to precedents, I decidedly in my favor Denby, lord Coning charges were laid up proceeding in each papers moved for the facts. What, I as my mode of proceeding precedents, I maintain alone, is sufficient this house to bring peachment. Such nion of Mr. Hatsellitutional writer upon do not ask the house proof. I shall read upon this subject, page,—(here Mr. from Hatsell, which port of his assertion of sir Elijah Impey and precisely in point some length, the without any previous upon the table again was ordered to be presented to members. So much having put myself the house upon the matter of indifference whether the charge or not. I shall now proof on which I maintain right hon. secretary der, and of every friend that I am entitled to of this paper as a matter I have that right denied, that if any house, (without any tained in the charge the facts, I say I object I have in was entitled to charge; but I have another in

of the charge.

inclined, to ground a new and spec-
 iminal charge upon them. I ask
 use to recollect, in what manner the
 was obtained which induced the
 to adduce the additional article of
 imment against lord Melville? They
 btained perfectly accidentally by the
 ers, and in a manner somewhat ob-
 able. The documents, however,
 ned in No. 8, of the India papers,
 een produced upon my own motion,
 r the express purpose of criminating
 a governor-general. In the article
 rge I have inserted various breaches
 law, the total and entire failure upon
 irt of the East-India Co., of the en-
 ents made to the public when they
 ed their charter. I have stated
 s disobedience of orders along with
 violations of the law, complete proofs
 such allegations are contained in
 pers now upon the table. I confess
 my intention, on these papers, to
 made a motion for a select com-
 ; but in an interview that I had with
 ght hon. the secretary of state, he
 various reasons to me against such a
 eding; the strongest however, was,
 e would oppose it. I had therefore
 ernative, but dropping the cause of
 ublic and of justice, or pursuing the
 e I have adopted. I shall not trouble
 use with a detail of all the papers
 ned in No. 8; they however contain
 lete proof of eight of the allegations,
 xhibit a scene of the grossest misre-
 ntations, and disregard of every prin-
 of truth and honour; they exhibit
 er instance of what talent was redu-
 d, after iniquity, oppression, and in-
 e had become familiar to the humour
 ; marquis of Wellesley.—Mr. Paull
 very much at large into the financial
 political situation of India. When
 Wellesley took charge of the govern-
 in 1798, the debt he then stated to
 been little more than 11,000,000/.,

of lord Wellesley, he obtained
 from England in specie to the
 nearly 4,000,000/; that during
 period he drew upon England for 3
 that he unlawfully seized large s
 money destined for China, in di-
 sition to the orders of the court
 tors; that by false representatio
 tained from the super-cargoes a
 several large sums destined for
 cial purposes; that the sums so
 at an enormous expence to the
 instead of applying them for the
 to which he represented he was
 priate them, Mr. Paull said they
 expended on the college, the bo
 the government house, for the
 splendour, and for the actual expen
 governor-general himself. One
 from the papers he begged leave
 the house, which would shew what
 due to the assertions of the late
 general, who, in the close of the y
 represented the finances as most fi
 public credit higher than ever it w
 in India before, and that in fact
 require no farther aid from Engla
 letter, Mr. Paull said, was dated
 1800, addressed to the super-c
 China; the paragraph was in the
 " Unless early relief be afforde
 finances of India by a large suppl
 lion, the public credit will suffer
 vestment in India for the pres
 must be reduced to a low scale,
 tertain the most serious apprehen
 I may not be able to provide the
 means of exertion against the
 enemy." In consequence of this
 tation he obtained from the super
 125,000/ at an expence to the
 of upwards of 12,000/ and which
 of retaining for the defence of I
 squandered in the shameful mann
 in the charge. Mr. Paull conc
 long speech by a picture of India w
 Wellesley was superseded by lord

wallis. Notwithstanding, said he, the bills thus drawn, the specie remitted, and the supplies obtained from China, in consequence of false and fraudulent representations, and in violation of law, the debt exceeded 31,000,000*l.*; 5,000,000*l.* more were to be provided for the next year; loans were open all over India; the treasury empty; and, in consequence of the profuse, extravagant, reprehensible, and illegal expenditure of the public money, lord Cornwallis was forced once more to seize upon the treasures destined for China.—So much for the finances. And as to the political situation of India, we were at war with Holkar; not certainly at peace with Scindia; a confederacy forming to drive us from India; and the universal estrangement of all descriptions of the natives—the consequence, said Mr. Paull, of the system of lord Wellesley: a system of iniquity, of oppression, and blood; adopted on his arrival, and pursued, undeviatingly, until, fortunately for mankind, the arrival of lord Cornwallis drove him from Asia.—Mr. Paull moved, “that the charge be now printed;” which motion was seconded by Mr. Martin, the member for Tewkesbury.

Dr. Laurence said, that whatever might have been heretofore his opinion touching the propriety of printing the charges, before all the evidence in support of them was laid on the table, from what he had heard this night from the hon. gent. who had just sat down, he must second his motion, and support him if he persisted in it. At the same time he begged leave to submit it to his own discretion, whether it might not better answer his purpose, and less excite opposition, if he were to postpone his motion for a few days, until the whole of the papers, in support of the charges, should be laid upon the table.

Mr. Paull said, it would be useless for him to postpone a motion now, which he should feel himself again under the necessity of pressing upon the house, in the course of a day or two.

The Marquis of Douglas said, he lamented his not being in the house on the former discussion, when he thought the house had not very properly rescinded the order it had before made for the printing of the charge. It was true, that the charge rested at present upon little more than the assertion of an hon. member, who, though unsupported and unprotected, made no motion which the proceedings of the house did not tolerate; but at present it was no

more than a dead letter to revive or charges printed, in house fairly to judge of that house, a honourable feelings, public cause of the Empire at large, ber was not only unraged, he felt himself bringing this business make a great impression and that house ought consequence must be certain or consider that lately, he said, been than he did before, affairs in India; and tigation was, that his nistration, many great which, instead of as this country, must not to it; and in fact, we cing money as a loan was therefore a count the people of English wealth to a foreign c not properly taken ca opinion given some timent. (Mr. Francis), that house would soon finances of this countres of India. The barrassment to which were brought, shewed gangrene somewhere, probed, and the danger, which brought empire to the brink ruin was complete, and ged the country into he considered India, taught to view as a bing child of the pare hausted by disease, cl of the mother countr tract the last drop of to prevent its own dis

Mr. Sheridan observed, in renewing he had expressed a hope not meet, from certain petition of the harsh experienced on a former some loss to understand hon. member made t sure that nothing of would have been sufficient the interposition of the

more marquis; for instance, the par-
to. 8; and so far as that went, the ob-
in to printing now was less strong than
the former occasion. But the grand
ple upon which he had first resisted
printing of the charges before the whole
uce was ready, was very little abated
vet. The hon. gent. had moved for
ther documents not yet before the
; an honourable relative of the no-
marquis had also moved for 40 other
ments on the part of the defence, not
orthcoming. These, whenever they
produced, would still remain to be
ed. The hon. gent. had said, that if
ndia directors would do their duty,
could bring forward those papers in
or two. He had, however, the as-
ce of persons very conversant in In-
usiness, that it would be impossible
oduce them in the course of the pre-
ession. Now, in such a case, would
proper that the charges should go
in print unaccompanied by the tes-
ty upon which they were avowedly
ed? It was upon the ground of this
t that he had abstained from reading
art of the charges, or the documents
nto produced, until he should have
hole before him. He should then
no objection to printing the charges,
n they would come fairly forward for
deration.

. *Lee* adverted to the four precedents
ad to by the hon. mover, and con-

which could not possibly be produced
course of the present session, t
he thought, should pause before
public circulation to the charge.

Mr. Secretary *Windham* de-
opinion to be decidedly in favour
ing the charge, and he could not
sidering the treatment experienc
hon. member who brought them
as extremely harsh: for instead c
ing out to him the hand of encou
to prosecute enquiry in the caus
tice against a person high in powe
met with nothing but discourager
had been thwarted and embarrass
step he had taken; nay, expose
to personal disrespect, sarcasm, a
ridicule. Such a conduct from an
of the house towards any individ
ber, certainly was not very decor
yet very politic, as it tended to di
members from bringing forward i
ments, when, to their own minds
viction, they conceived themselv
ranted so to do, by acts of publi
quency. If this were a case when
cuser was considered and known
person of such character and desc
or the charges themselves, *primâ* f
absurd, or improbable, as not to
being entertained for one moment;
case, such discountenance would b
fied. But no man had ventured to
much less to shew, that this was the
the present instance. The hon. gent.

of little consequence which way it was decided: As to any communication which the hon. gent. had with him, he had given him his opinion, and on good grounds, that he was adopting a very injudicious mode of proceeding.

Mr. *Paull* explained. He said, that out of 99 papers, for which he had moved, only 11 were produced; of these, only 3 were immediately relevant to his purpose. The *Bhurtpore* papers were not presented, nor any others that he moved for, except those relative to *Oude*.

Sir *A. Wellesley* said, that the practice of parliament in such cases had already been shewn to be, that the evidence should generally, if not always, precede the charges, and he saw no necessity for deviating from that rule on the present occasion; though he admitted, that every case should stand upon its own peculiar merits. The charge of the hon. gent. against his noble relation, was for squandering the money of the *East-India Co.* in unnecessary purposes of personal splendour; but the papers hitherto produced (those of *Oude*) applied to charges of which as yet he had given no notice. With regard to the money taken from the *Canton* treasury, his answer to it was, that this and other proceedings which were adverted to, had received the approbation of the court of directors, and that if the money were so disposed of, there was a proportionate increase of assets both at home and abroad. As to the observation, that he himself was implicated in some of the proceedings, his short reply was, that what he did in *India*, was in obedience to the orders he had received; and for the manner of that obedience, and its immediate result, he was ready to answer, either to that house, or to any other tribunal in the realm.

Dr. *Laurence* adverted to the precedents which had been quoted in the course of the debate, particularly that of Mr. *Hastings*, none of which he conceived bore on the present case. He declared, that his sense of the business would have been, for the hon. gent. who made the motion, to have withdrawn it, and waited until the evidence was before the house; but, as he had not thought proper to do that, he could not, as the business now stood, see any good reason against printing the charge.

Lord *H. Petty* was inclined to think, that it would have been much better if the hon. gent. who made the motion, had agreed to the first suggestion of the learned

gent. who seconded it, and not on the house. He also conceived that the charge was of no importance whatever, the charge was or was not now but he thought it was always the duty of the accuser, to bring forward his evidence at the same time; and if the evidence was sufficient, lay with him to determine. In the present case, therefore, he considered the hon. mover's motion the best judge, whether the evidence table were sufficient, and he would move for the printing of the charge.

Mr. *Bathurst* was of opinion, that motion ought not to have been made, but he did not think because it was made, that therefore the house should agree to it. He did not pretend to say, that there were no cases in which charges might be made before evidence, but he believed there were none except those which originated at home, the members of which were acquainted. The hon. gent. then said, as the hon. mover would not agree to draw his motion, he thought a motion for the order of the day would be more proper, and concluded by moving the previous question.

Mr. *Corry* seconded the motion, and said, it would put the parties into a situation, one with another. It would be no hardship to the hon. gent. to withdraw the original motion, as the papers substantiate the charge were not before the house; and it would appear to the house of commons were resolved to support him throughout, if the papers were allowed to be printed.

Mr. *W. Smith* said, it appeared to be rather an irregular mode to move a charge before all the evidence was presented. The very circumstance of the evidence being already before the house was a reason against it, and he would vote against the original motion.

Mr. *Johnstone*, in part, coincided with the right hon. secretary. He, however, differed with him on essential points; and, after an arduous question for some time, he declared himself precluded altogether from voting any vote on the occasion.

Mr. *Grant* said, that if the question before the house were to be influenced by the expectation of having the papers moved for, laid upon the table in a short time, he thought it a duty to express an opinion that this expectation could not be fulfilled. The court of directors

eager to obey the orders of the house: there would be no intentional delay, but the papers moved for both by the hon. gent. (Mr. Paull) and the hon. general (sir A. Wellesley) were so voluminous, that it was not possible to get them prepared in a very short time. Mr. Grant said there would also be a necessity for calling for other papers, because the hon. gent. (Mr. Paull) had in his speech that night, and formerly, advanced positions respecting the causes of the company's debt, and particularly the alledged increase of it from supplying funds for the commerce of the company which he (Mr. Grant) had before combated, and which he should feel it to be his duty, if no one else would undertake it, fully to disprove by documents to be called for from the India house. In like manner, the hon. general appeared to have, in the list of papers moved for by him, included some which seemed to bear upon certain points in the conduct of the court of directors lately animadverted upon in that house; and it might be necessary to move for additional papers in order to bring those points fully before the house. He alluded particularly to a reference which had been made on a former night by an hon. gent. (Mr. W. Pole) to a proposed dispatch of the court of directors upon which that hon. gent. had been pleased to arraign them, although that dispatch was not before the house, although the house would not admit it to be produced, and although the hon. gent. acknowledged he had not read it.—With respect to the question now under consideration, Mr. Grant said, the inclination of his mind was that the charge should not be printed until it was accompanied by the documents on which the proof of it rested. Feeling this to be the fair and candid way of proceeding, he would avow his opinion, because having unfortunately had occasion to take rather a prominent part in many of these questions, and being likely to see it his duty to do so again, he found his only support, in the painful predicament in which so much collision with the feelings and opinions of others placed him, to be, in the consciousness of honestly following the dictates of his own mind.

Mr. *Windham*, in explanation, said that when he had before delivered his opinion, he conceived that the hon. gent. would have withdrawn his motion, but he now thought, that the motion lately made by his hon. friend, reconciled every thing, and he would support it.

Mr. *Paull* desired mode of proceeding he did not wish to sense of the house?

The *Speaker* wished gent.'s object before namely, whether the withdraw his motion.

Mr. *Paull* expressed yield to the wishes of although contrary to should, agreeably to the prevailing sentiment draw his motion.

Mr. *Bathurst* observed was in the hands which a division was lery was ordered to some conversation withdrawn.

[*PRO IRON DUT* Petty then moved, a second time.

Mr. *Rose* said, that he had been able to information he had received it appeared to him that of great detriment to of the country. He could bear harder on the than the duty on the culture, which had abandoned during the which, its operation most every species of on in this country.

Lord *H. Petty* said of a variety of objection bill was liable; that of opinion that the ing the tax had been ted. He should wish time should be allowed sideration of the tax consequences; and would propose, that 2d time, and that time more fully into its measure on Friday next.

Sir *J. Wrottesley*, cumber the debate now, whether any be done to obviate a sufficient drawback engaged in the export gentlemen in town, ved the attention of proposed drawback med the utmost to be

ceed 4*l.* per ton. The deductions on account of the ordnance and naval stores, would be considerable. The hon. baronet then proceeded to point out some omissions in the returns of the consumption of iron in the navy, made to the house from the navy board; and expressed a hope, that the noble lord would use his influence to procure every information for the house, connected with the subject.

Lord *H. Petty* stated the amount of deduction for iron used in the ordnance, and for the navy departments, to be altogether 51,460*l.*; the drawback on foreign iron 13,770*l.*; that on British iron 123,000*l.*; making a total, with 5000*l.* the estimated expence of the collection, of 193,000*l.* to be deducted from the produce of the tax. The average of the drawback was 4*l.* a ton.

Mr. *Wilberforce* considered this tax as so inconsistent with the fundamental principles of taxation in its tendency and effects, that he trusted the noble lord would see reason to withdraw it. On this account he would leave it to the calm consideration of his own mind.

Mr. *I. H. Browne* said, that he would have objected to the tax upon the first proposition of it, if it were not for his reluctance to oppose a plan of taxation founded generally upon the views and system of his late right hon. friend, the predecessor of the noble lord.

Lord *A. Hamilton* expressed his disapprobation of the tax, but reserved the avowal of the particular grounds of his opposition until the bill was committed.

Mr. *Vansittart* observed, that, in the committee, many modifications of the bill could take place. An hon. baronet had mistaken the extent of the proposed drawback; 4*l.* per ton had been calculated upon as the average, and not as the highest allowance.

Mr. *Canning* felt reluctance in opposing any of the measures for procuring supplies in the present situation of the country. But the objections to the present tax were so numerous, and had been so strongly urged in various representations which he had received on the subject, that he would recommend it to the noble lord, to turn over in his own mind the possibility of substituting some other less objectionable tax in its room. He contended that it would raise half as much more from the agricultural interest alone, than had been proposed by the tax on horses employed in hus-

bandry which had been abandoned last session, while all other classes of community would be affected by it.

Mr. *Fellows* was not apprehensive the tax on iron would affect the farthest in the proportion which he mentioned; but he feared it would go a great way towards annihilating the trade, which, when once diverted from its channel, it would be extremely difficult to bring back again.

Mr. *W. Smith* said, it was not only iron used for shoeing horses that the tax would seriously feel, but many other uses, which made the consumption of iron very large.

Mr. *Rose* said, that a farmer with four horses in his team, would pay 40*s.* a year under the tax.

Mr. *Babington* thought that the effect of the tax would be severe; checking the machinery of the country. He apprehended its operation would be particularly injurious.—The bill was then read a 2d time, and committed for Friday. The order of the day for the committee on the property Tax bill on Friday was discharged, and the same ordered for Monday.

HOUSE OF LORDS.

Tuesday, April 29.

[MINUTES.] The house met at 10 o'clock, and proceeded to Westminster-hall to attend the trial of lord viscount Melville. The bills on the table were previously reported and passed in their respective stages. Among these, the 3 million Exchequer Bills bill, the Tea Duty bill, the Irish Bank Note bill, the Irish House Tax Repeal bill, were reported and passed.—Their lordships then returned to the house about a quarter of four.—Strangers were for some time excluded, during which an order was passed to proceed on the trial of lord Melville the next morning, and a message was ordered to be sent to the Commons to acquaint them therewith.

[WITNESSES' DECLARATORY BILL.] The house then took into consideration amendments made by the Commons to the Witnesses' Declaratory bill respecting the liability of Witnesses to answer. A conversation of considerable length ensued, in which lord Eldon, Hawkesbury, Holland, Elphinstone, and the lord chancellor; the duke of Suffolk, Rosslyn, and Stanhope, and the duke of Norfolk, took a part.

Lord *Hawkesbury* moved, "that the consideration of the amendments be

poned till to-morrow ;" in order that the attendance on a topic of such importance should be fuller, and to afford certain peers, who, he had reason to think, wished to speak, an opportunity of delivering their sentiments.

Lord *Eldon* thought the bill wanted some farther alteration or amendment, not deeming it, in its present shape, a bill declaratory of the law, as declared by the learned judges, or the greater part of them; or according to their conceptions of what the law really was, as he had an opportunity of knowing, from a personal communication with some of them. Its tenour was different from that of other declaratory bills, for it went to declare, not what the law was, but what the law was not. He thought, under what had been thrown out on the subject, they should pause, and not pass the bill in its present shape. It involved legal considerations of the greatest importance, and in a way likely to affect many of their lordships, for instance, those who were great landed proprietors. The word "only" in the bill, on which so much stress had been laid, as rendering the declaration sufficiently definite, and as likely to prove a sufficient guide for the judges in the courts below, he thought would not be so efficacious, and in the interval proposed, he thought he should be able to determine upon some further amendments, which would produce the desired effect.

Lords *Holland*, *Stanhope*, and other peers, defended the bill, under the circumstances of the case, as it now stood, and were adverse to any further delay to its passing, which they contended ought speedily to take place; it was also observed, that the bill with the amendments had lain on the table for several days, and noble lords had had sufficient time to have called the attention of the house to the subject.

The *Lord Chancellor* defended the bill in its present shape, upon the legal grounds he had formerly adduced in support of it; and contended, that the declaration, as so worded, would, by confining it to the single species of demurrer, be a sufficient rule for the learned judges. The bill, however, he observed, had improperly been called *his* bill; though his was the hand that presented it to the consideration of their lordships, it was founded upon the proposition of a noble and learned lord then present. In future, should he propose any

thing in the shape of to their lordships' cor be purely his own; rightly have to stand demerits.

Lord *Hawkesbury*, in observed, that though amendments, might 1 days upon the table, upon those, in the measure of such im passing of the bill : some notice of the ti the consideration of and to have the lo upon. — After some the question was p nal motion for taki into immediate con tived without a div ments made by the formally taken into greed to.

[*Conv.*] Earl *Stu* motion, which, in his most urgency. He l derstand by a noble l there would be. no ol with which he shou felt its object to be o in its nature and prol time should be lost in lordships.

Lord *Ellenborough*. if the motion which to bring forward, wa importance, he begged him, whether it was t it forward in so thin

Earl *Stanhope* said his motion, in the first to move for importa laid before the house learned lord had been information, he wou in proposing delay, a matter which so t great majority of the imminent danger hu situation of the coun comforts, but the t might be put to hazar

Lord *Ellenborough* the noble lord to ord fairly said of him, th that regarded the su man was more alive, subject than he was, better proof of that,

the wish he had expressed, that whatever concerned the people should be seriously and deliberately discussed.

Earl *Stanhope* contended, that the learned lord seemed not to be aware of the difficulties and dangers to which he alluded. There was no knowing to what an alarming degree a scarcity might soon be experienced. The experience of former times should have taught us better. It ought to be recollected, that in the course of 15 years, about 45 millions sterling had been sent out of the country for the purchase of corn and grain, &c. when even there existed more facilities of procuring it, than we were likely soon to possess. The ports of the Baltic would be, or were already, shut against us; and whether were we then to look for any immediate supply? With the intention of bringing this subject more fully and fairly before their lordships, he should now move, that there be laid before the house an account of the quantity of corn, grain, rice, &c. imported into G. Britain since the 1st of Jan. 1806; also an account of the exports of the same during the same period.

Lord *Moir* could not remain silent, after hearing and weighing the tendency of the assertions made by the noble earl. He did not rise to oppose the motion, but to observe somewhat upon the tone and arguments with which it was introduced. He did not pretend to be in possession of the minute and accurate information upon this subject, which he knew might be brought forward by his noble friend (lord Auckland), but still he thought himself bound in duty to counteract, as far as lay in his power, the ill effects which might arise from the alarming language and insinuations held and thrown out by the noble earl upon such a delicate and important matter. As far, therefore, as he had any knowledge of the present state of the country, and of the very promising aspect of a plentiful harvest, he would readily take upon himself to assert, that there was no room whatsoever to entertain the most distant apprehension of the danger the noble earl seemed to forebode with so much emphasis and earnestness. He was sorry such an idea should go abroad upon such grave authority; and he was conscious it was his duty, as far as in him lay, to set the little authority he might have upon that point, in opposition to that of the noble earl.

Lord *Auckland* could not well express his thanks to the noble earl who spoke last for the favour he had done him, by taking off

his shoulders the weight he felt upon them by the observations of the noble lord who made the motion true, that the noble lord had shewn motions he had made, but as matters were then pressing upon him, and as he had no idea of the language with which the noble lord faced them, he had signified no objection to the motion which the noble lord was to make. But having heard the noble lord thus sound an alarm of scarcity, and that alarm on such groundless reason, he felt himself called upon to say that perhaps he should be justified under other circumstances. Nevertheless, therefore, was he warranted in coming with his noble friend, in asserting the thing in the aspect of the harvest, a nature to preclude all apprehensions of those which the noble earl's speech calculated to send abroad, but moreover the satisfaction to state, that only the ports of the Baltic were shut against us, but that there was even no apprehension that they would be shut, was consequently no ground whatever for the alarm upon that subject, the language of the noble earl was of no use to propagate.—The question was then put upon lord Stanhope's motion, and agreed to.

HOUSE OF COMMONS.

Tuesday, April 29.

[MINUTES.] The house met at ten o'clock, pursuant to order, for the purpose of proceeding to Westminster to prosecute the trial of lord Melville. The managers left the house first, and proceeded to the place assigned them in the gallery, after which the members went out according to the alphabetical order of the surnames of the members of the several counties, beginning with the letter A and ending with those of the letter Z. About four o'clock the house returned to its ordinary place of meeting, for the purpose of transacting a small patch of business, as usual.—A message from the lords announced their assent to the Irish Bank Note bill, the Excise Bill, the Tea Duty bill, and the Hearth Duty Repealing bill; and a message from the lords had determined to proceed with the trial of lord Melville the next morning at ten of the clock. The speaker then took this opportunity of stating that he would, as he had done that day, be punctually at ten o'clock the next day, that at a quarter past ten the ser-

APPENDIX

TO THE

PARLIAMENTARY DEBATES

VOL. VI.

PARLIAMENTARY PAPERS.

TREATIES, &c. PRESENTED, BY HIS MAJESTY'S COMMAND, TO BOTH HOUSES OF PARLIAMENT, 28TH JANUARY, 1806.

Treaty of Concert between His Majesty and the Emperor of all the Russias, signed at St. Petersburg, the 11th April, 1805.

IN the name of the most holy and undivided Trinity.—His majesty the king of the united kingdom of G. Britain and Ireland, and his maj. the emperor of all the Russias, animated with the desire of restoring to Europe the peace, independence, and happiness, of which it is deprived, by the unbounded ambition of the French government, and the immoderate degree of influence which it is striving to arrogate to itself, have resolved to employ every means in their power to obtain this salutary end, and to prevent the renewal of similar disastrous circumstances; and they have named, in consequence, for the purpose of fixing and agreeing upon those measures which their magnanimous intentions may call for, viz. his maj. the king of the united kingdom of G. Britain and Ireland, the Id. Granville Leveson Gower, member of parliament of the said united kingdom, one of his majesty's privy councillors, and his ambassador extraordinary and plenipotentiary to his maj. the emperor of all the Russias; and his maj. the emperor of all the Russias, the Sieur Adam Prince of Czartoryski, one of his privy councillors, member of the council of state, senator, adjunct minister for foreign affairs, member of the general direction of schools, curator of the imperial university of Wilna and of its district, lieutenant of the grand prior of the sovereign order of St. John of Jerusalem, of the Russian

Catholic priory, and knight of St. Anne, and commander of St. John of Jerusalem; and Nicolas of Novossilzoff, his preberlain, adjunct minister of justice, charged with the examination of the presented to his maj. and with official commissions, president of the academy of sciences, member of the direction of the schools, curator of the university of St. Petersburg and of its district, and knight of the order of Vladimir; who, after having very amicably exchanged their full powers, were found to be in good and due form, and agreed upon the following articles

1. As the state of suffering in Europe is placed, demands speedily, their majesties, the king of the united kingdom of G. Britain and Ireland, the emperor of all the Russias, mutually agreed to consult upon the means of putting a stop thereto, without further encroachments on the part of the French govt. They have agreed, in consequence, to employ the most efficacious means to form a general league of the states of Europe, to engage them to accede to the concert; and, in order to accomplish the end proposed, to collect together, which, independently of the success achieved by his Brit. maj. may amount to 50,000 effective men; and to execute the same with energy, in order either to induce or to compel the French to agree to the re-establishment of the equilibrium of Europe.

2. The object of this league was to carry into effect what is proposed in the present concert, namely: (a.) The evacuation of the country of Hanover and the north of Germany. (b.) The

ment of the independence of the republics of Holland and Swisserland. (c.) The re-establishment of the king of Sardinia in Piedmont, with as large augmentation of territory as circumstances will permit. (d.) The future security of the kingdom of Naples, and the complete evacuation of Italy, the Island of Elba included, by the French forces. (e.) The establishment of an order of things in Europe, which may effectually guarantee the security and independence of the different states, and present a solid barrier against future usurpations.—ART. 3. His Brit. maj. in order to concur efficaciously on his side, to the happy effects of the present concert, engages to contribute to the common efforts, by employing his forces both by sea and land, as well as his vessels adapted for transporting troops, in such manner as shall be determined upon in the general plan of operations; his maj. will moreover, assist the different powers who shall accede thereto, by subsidies, the amount of which shall correspond to the respective forces which shall be employed; and, in order that the said pecuniary succours may be proportioned in the manner most conducive to the general good, and to assist the powers, in proportion to the exertions they may make to contribute to the common success, it is agreed, that these subsidies (barring particular arrangements), shall be furnished in the proportion of 1,250,000 pounds sterling, for each 100,000 men of regular troops, and so in proportion for a greater or smaller number, payable according to the conditions hereinafter specified.—ART. 4. The said subsidies shall be payable by instalments, from month to month, in proportion to the forces which each power shall employ in pursuance of its engagements, to combat the common enemy, and according to the official report of the armies employed at the opening of the campaign, and of the several reinforcements which may join them. An arrangement shall be made in conformity with the plan of operations, which shall be forthwith regulated as to the period when these subsidies shall begin to be paid, and the mode and place of payment shall be settled so as to suit the convenience of each of the belligerent parties. His Brit. maj. will likewise be prepared to advance within the current year, a sum for putting the troops in motion. This sum shall be settled by particular arrangements to be entered into by

each power, who shall take part in this concert; but his said maj. understands that the whole of the sums to be furnished to any power within the current year, as well as on account of the said advance, as for the monthly subsidies, is in no case to exceed the proportion of 1,250,000 pounds sterling, for every 100,000 men.—ART. 5. The high contracting parties agree that the different members of the league shall respectively be permitted to retain accredited persons with the commanders-in-chief of the different armies, to carry on the correspondence, and to attend to the military operations.—ART. 6. Their majesties agree, that in the event of a league being formed, such as is pointed out in the first article, they will not make peace with France, but by the common consent of all the powers who shall become parties in the said league; and also that the continental powers shall not recall their forces before the peace; moreover, his Brit. maj. engages to continue the payment of the subsidies during the continuance of the war.—ART. 7. The present concert, which is mutually acknowledged by the high contracting parties to be equally valid and binding as the most solemn treaty, shall be ratified by his maj. the king of the united kingdom of G. Britain and Ireland, and by his maj. the emperor of all the Russias, and the ratifications thereof shall be exchanged at St. Petersburg within the space of ten weeks, or sooner if possible.—In testimony whereof the respective plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.—Done at St. Petersburg, April 11, (30th March,) 1805. Signed G. L. GOWER, ADAM PRINCE CZARTORYSKI, NICOLAS DE NOVOSSILZOFF.

No. I. (A)—*First separate Article of the Treaty of Concert between His Majesty and the Emperor of Russia, signed at St. Petersburg, 11th April (30th March) 1805.*

His maj. the emperor of all the Russias, having made known to his Brit. maj. his arrangements with their majesties the emperor of Germany and the king of Sweden, his Brit. maj. engages to fulfil his stipulations of the present treaty of concert towards each of those powers, if, in the space of four months, reckoning from the day of the signature of the present instrument, both those powers, or one of them, shall have caused their forces to act against France, by virtue of the engagements they

have taken with his maj. the emperor of all the Russias.—This separate article shall have the same force and validity as if it were inserted word for word in the treaty of concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, by virtue of our full powers, have signed the present separate article, and have affixed thereto the seals of our arms. Done at St. Petersburg, this 11th April (30th March) 1805.—Signed, G. L. GOWER, ADAM PRINCE CZARTORYSKI, NICOLAS DE NOVOSILZOFF.

No. 1. (B)—*Fourth separate Article of the Treaty of Concert between His Majesty and the Emperor of Russia, signed at St. Petersburg, 11th April (20th March) 1805.*

The collecting of 500,000 effective men, mentioned in art. 1. of the treaty of concert signed this day, not being so easy as it is desirable, their majesties have agreed that it should be carried into execution as soon as it should be possible to oppose to France an active force of 400,000 men, composed in the following manner; Austria will supply 250,000 men, Russia not less than 115,000 men, independently of the levies made by her in Albany, in Greece, &c.; and the remainder of the 400,000 will be made up by the troops of Naples, Hanover, Sardinia, and others.—This separate art. shall have the same force and validity, as if it were inserted, word for word, in the treaty of concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, by virtue of our full powers, have signed the present separate art. and have affixed thereto the seals of our arms.—Done at St. Petersburg, this 11th of April (30th March) 1805.—Signed G. L. GOWER. ADAM PRINCE CZARTORYSKI. NICOLAS DE NOVOSILZOFF.

No. 1. (C)—*Fifth separate Article of the Treaty of Concert between His Majesty and the Emperor of Russia, signed at St. Petersburg, 11th April (March 30) 1805.*

His maj. the emperor of all the Russias, engages also to march as soon as possible, an army of not less than 60,000 men to the frontiers of Austria, and also another of not less than 80,000 men to the Prussian frontiers, to be ready to co-operate with the said courts, in the proportion established by the treaty of concert signed this day, and to support them respectively

in case they should be attacked by who might suppose them to be in some negotiation tending towards a subject contrary to her views; but understood, that, independently of 115,000 men, which his imperial maj. all the Russias will cause to oppose to the French, he will keep bodies of observation upon his frontiers, and moreover agreed, that as the promised by his maj. the emperor of Russias shall all, or in part, quit the tiers of his empire, his Brit. maj. shall then the subsidies, at the rate established by the present treaty of concert, the return of the said forces to the and moreover, the equivalent of six months of subsidy as a *première campagne*.—The Russian troops stationed at the Seven Islands, may be intended to be transported, will not enjoy the advantage of subsidies, and of the *première mise en campagne*, stipulated in the present treaty, the day of their leaving the Sever to commence their operations against the French.—This separate art. shall have the same force and validity as if it were inserted, word for word, in the treaty of concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, by virtue of our full powers, have signed the present art., and have affixed thereto the seals of our arms.—Done at St. Petersburg, this 11th of April (30th March) 1805.—Signed G. L. GOWER. ADAM PRINCE CZARTORYSKI. NICOLAS DE NOVOSILZOFF.

No. 1. (D)—*Sixth separate Article of the Treaty of Concert between His Majesty and the Emperor of Russia, signed at St. Petersburg, 11th April (30th March) 1805.*

His maj. the king of the united Kingdom of G. Britain and Ireland, and his maj. the emperor of all the Russias, have disposed to form an energetic alliance, with the sole view of insuring to the world a lasting and solid peace, founded upon the principles of justice, equity, and the law of nations, by which they are mutually guided, are aware of the necessity of a mutual understanding, at the same time, upon several principles, which tend to evince, in pursuance of a previous agreement, as soon as the events of the war render it necessary.—These principles are, in no degree, to controul the policy of either nation in France, or in any other c

where the combined armies may carry on their operations, with respect to the form of government which it may be proper to adopt; nor to appropriate to themselves, till a peace should be concluded, any of the conquests made by one or the other of the belligerent parties; and to take possession of the towns and territories, which may be wrested from the common enemy, in the name of the country or states, to which, by acknowledged right, they belong, and in all other cases, in the name of all the members of the league; and, finally, to assemble, at the termination of the war, a general congress, to discuss and fix the provisions of the law of nations, on a more determined basis, than unfortunately has hitherto been practicable; and to insure their observance, by the establishment of a federative system, calculated upon the situation of the different states of Europe.—This separate art. shall have the same force and validity, as if it were inserted, word for word, in the treaty of concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, by virtue of our full powers, have signed the present separate art., and have affixed thereto the seals of our arms.—Done at St. Petersburg, the 11th April (30th March) 1805.—Signed, G. L. GOWER. ADAM PRINCE CZARTORYSKI. NICOLAS DE NOVOSILZOFF.

No. 1. (E)—*Eighth separate Article.*

It being possible that the bias which the French govt. tries to give to the councils of the different states of Europe, may determine one or other of those states to throw obstacles in the way of the attainment of the salutary effects which are the objects of the present concert, and even to have recourse to hostile measures against one of the high contracting parties, in spite of their endeavours to establish an equitable and permanent order of things in Europe, his Brit. maj. and his maj. the emperor of all the Russias, agree to make common cause against every power, which, by the employment of its forces, or by too intimate an union with France, may pretend to raise essential obstacles to the developement of those measures which the high contracting parties may have to take, in order to attain the object proposed by the present concert. This separate art. shall have the same force and validity, as if it were inserted, word for word, in the treaty of concert signed this day, and shall be ratified at the same time.—In

witness whereof, we the undersigned, by virtue of our full powers, have signed the present separate article, and have affixed thereto the seals of our arms.—Done at St. Petersburg, the 11th April (30th March) 1805.—Signed, G. L. GOWER. ADAM PRINCE CZARTORYSKI. NICOLAS DE NOVOSILZOFF.

No. 1. (F)—*Eleventh separate Article.*

The high contracting parties, acknowledging the necessity of supporting the propositions of peace, which it is their intention to make to Buonaparte by energetic demonstrations, have resolved to invite his imperial and royal apostolic maj. to put his armies in a state of readiness for action, without delay, by completing their numbers, and by concentrating them in the neighbourhood of the borders of France. His Brit. maj. considering the extraordinary expences which this measure will render necessary, promises and engages to furnish to his imperial and royal maj. immediately after his accession to the present concert, the sum of one million of pounds sterling, for *première mise en campagne*, which the king of the united kingdom of G. Britain and Ireland will not reclaim, in case the negotiations for peace should be crowned with success, provided that, in a contrary event, Austria would take the field immediately.—This separate art. shall have the same force and validity as if it were inserted, word for word, in the treaty of concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, by virtue of our full powers, have signed the present separate art., and have affixed thereto the seals of our arms.—Done at St. Petersburg, the 11th of April (30th March) 1805.—Signed, G. L. GOWER. ADAM PRINCE CZARTORYSKI. NICOLAS DE NOVOSILZOFF.

No. 1. (G)—*Separate and Secret Article.*

Although the high contracting parties have agreed by the first separate article of the treaty of concert, established this day between them, that Austria and Sweden shall not partake of the advantages of the said concert, but in the event of their bringing their forces into action against France, 4 months after its signature, by virtue of their engagements with his maj. the emperor of all the Russias; yet his Brit. maj. considering the advantage to the future security of Europe, which results from an union similar to that formed by his maj. the emperor of all the Russias, with them

majesties the emperor of Germany, and the king of Sweden, for the purpose of opposing the further encroachments of Buonaparte, promises to fulfil the stipulations of the present concert, in the same degree towards either of those powers, if, in the course of the year 1805, both or one of them should bring their forces into action against France, in virtue of their engagements with his maj. the emperor of all the Russias.—This separate and secret art. shall have the same force and validity, as if it were inserted, word for word, in the treaty of the concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, in virtue of our full powers, have signed the present separate and secret art., and have affixed thereto the seals of our arms.—Done at St. Petersburg, the 11th April (30th March) 1805.—Signed, G. L. GOWER. ADAM PRINCE CZARTORYSKI. NICOLAS DE NOVOSILZOFF.

No. 1. (H)—Additional Article.

His maj. the emperor of all the Russias, having, in pursuance of his sincere desire to insure success to the enterprise, concerted against France, determined, in case the circumstances should require it, to augment the forces which he has promised to bring into action, to an hundred and eighty thousand men, his maj. the king of the united kingdom of G. Britain and Ireland, promises, and engages to pay, in that case, to his imperial maj. of all the Russias, for the troops which he may thus add to the 115,000 already agreed upon, a subsidy and a *première mise en campagne*, at the same rate as is agreed by the fifth separate article of the treaty of concert, established between his maj. the king of the united kingdom of G. Britain and Ireland, and his maj. the emperor of all the Russias, the 30th March (11th April) 1805.—This additional article shall have the same force and validity as if it were inserted, word for word, in the aforementioned concert, and shall be ratified by the two high contracting powers; and the ratifications shall be exchanged in the space of ten weeks, or sooner, if possible.—In witness whereof, the undersigned plenipotentiaries have signed the same, and have affixed to it the seals of their arms.—Done at St. Petersburg, the 10th May (28th April) 1805.—Signed, G. L. GOWER. ADAM PRINCE CZARTORYSKI. NICOLAS DE NOVOSILZOFF.

No. 1. (I)—Additional Article of the Treaty

of Concert, signed at St. Petersburg, the 11th April, 1805.

His maj. the emperor of all Russias, purposing to concert measures with his Brit. maj. at the court of Vienna, by which the Russian armies may be applied to the frontiers of France, by Austria and Prussian territory, is declared that the object of the present concert is to obtain securities in the event, promises and engages to do, in his own name, and in that of his Brit. maj., that, should even circumstances arise, that at the moment when the Russian troops began their march, the emperor of all Russias declares that this movement was connected with an existing concert with his Brit. maj. but that the power of the emperor of all Russias to reclaim the fulfilment of her immediate engagements was as soon as the war shall have broken out, they will no longer pursue the subject, but that which has been agreed by the concert of the 30th March (11th April), with all the clauses contained in it.—In return for this, his Brit. maj. promises and engages, in the first place, to fulfil towards all the Russias the stipulations of the aforementioned concert, in all their engagements, as the war shall have broken out between Russia and France, and especially for the Russian troops agreed upon, payable from the British treasury, which they shall have quitted of the empire, and moreover, a subsidy of *première mise en campagne* stipulated subsidy, until the first of *première mise en campagne* condition, nevertheless, that the term between the departure of the Russian troops from the frontiers, and that of the cessation of hostilities, his Brit. maj. is bound to pay Russia for that period more than six months' subsidy at the rate of *première mise en campagne* comprised.—In the second place, with regard to Austria, all the stipulations of the above-mentioned concert, especially all that relates to the evacuation of the Austrian territory, as soon as the ambassador of his Brit. maj. shall have signified the accession of his court; and, in the third place, to pay in the like manner the other allies of Russia, who have entered into this enterprise (except in the arrangements, the subsidies which have been allotted for them by the treaty of concert, and on the con-

in specified.—This additional art. shall have the same force and validity, as if it were inserted, word for word, in the above-mentioned concert, and shall be ratified by the two high contracting parties, and the ratifications exchanged at St. Petersburg, in the space of six weeks, or sooner, if possible.—In faith of which, the undersigned plenipotentiaries have signed it, and have affixed thereto the seal of their arms.—Done at St. Petersburg, the 12th July (24th) 1805.—(Signed) G. L. GOWER. ADAM PRINCE CZARTORYSKI.

No. II. (A).—*Preliminary Declaration of Count Stadion, to Lord Grantville Leveson Gower, dated at St. Petersburg, 28th July (9th Aug.) 1805.*

The undersigned ambassador extra. and plenipotentiary of his imperial and royal apostolic maj. by order of his august sovereign, after having invited his exc. the ambassador of G. Britain, to join with him in the preliminary declarations which he has exchanged this day, with his exc. the prince of Czartoryski, has, moreover, declared as follows:—His imperial and royal apostolic maj. in acceding to the treaty concluded on the 30th March (11th April) 1805, and subsequently ratified by the courts of London and St. Petersburg, under the reservations, modifications, and demands, as announced in the above-mentioned preliminary declarations, limits the pecuniary succours, which he expects from his maj. the king of G. Britain, for the current year, 1805, to three millions sterling; of which sum one million and a half is to be considered as *première mise en campagne*; and as such, is to be furnished with as little delay as possible; and the other million and a half as subsidies, to be paid in equal monthly payments, until the last day of the year. These subsidies, as well as one million of the sum appointed for *première mise en campagne*, are to be furnished to his imperial maj. and shall remain in his possession, even though the vigorous demonstrations, in which his forces are actually employed, should not terminate in hostilities, but should lead, by the way of negotiation, to the establishment of peace. Moreover, as these armed demonstrations afford the greatest and most efficacious aid, for the promotion of the object of the concert, to which his imperial and royal apostolic maj. has acceded, he expects, that, as long as they shall continue, the subsidy shall likewise continue to be paid, in the same manner, as if his armies were employed in

actual war, and that for the year 1806; and the subsequent years, in consideration of the great number of troops which he is opposing to the common enemy, the subsidy shall be increased to the sum of four millions sterling, payable in the same manner as is stated above, until the return of the regiments into the hereditary dominions.—His exc. the ambassador of G. Britain having declared that the instructions and precise orders of his court precluded him from acceding without restriction, to the above-mentioned demands; and having engaged, by a preliminary act, exchanged against the present, in the name of his Brit. maj. to stipulations which differ from them considerably, as well with regard to the sum, as to the terms of the propositions made in the name of his imperial and royal apostolic maj.—The undersigned accepts this act, given in by the ambassador of England; but he declares at the same time, that he does not consider the sum stipulated therein as sufficient, and that he expressly reserves for his court the power of reclaiming to this effect, and of effectuating the fulfilment of its demands.—In transmitting this preliminary declaration, which is to be in the place, and have the validity of the most solemn treaty, to his exc. the ambassador of his maj. the king of G. Britain, he is authorised to declare to him, at the same time, that he is ready to proceed immediately, on these same bases, to the conclusion of the formal act of accession of Austria, to the concert of 30th of March (11th of April).—These presents shall be ratified by the respective courts in as short a time as is possible.—In faith of which, the undersigned, by virtue of the full powers of his imperial and royal apostolic maj. has signed the present preliminary declaration, and has affixed thereto the seal of his arms. Done at St. Petersburg, the 28th of July (9th of Aug.) 1805. (L.S.) J. PHILLIPPE, Comte de Stadion.

No. II. (B).—*Declaration of Count Stadion to Prince Czartoryski, dated Petersburg, 28th July (9th August), 1805.*

The undersigned ambassador extra. and plenip. of his imperial and royal apostolic maj., being especially authorised by the emperor, his august master, declares, in answer to the declaration which has been delivered to him by his exc. the prince Czartoryski, of this day's date as follows: 1. His imperial and royal maj. in accepting the different articles announced in the declaration, accedes to the concert con-

between the courts of St. Petersburg and London, the 30th March (11th of this year, as well as to the last which the Russian ministry has caused presented at Vienna. His maj. proposes to fulfil the engagements thereof, with exception of the modifications, and demands, included in the official pieces to which his imperial majesty has given his consent in the preliminary declaration, which will be taken as the basis of the concert of measures between Austria and Russia are to employ for the attainment of their object.—2. His imperial and royal maj. engages to execute, without delay, the military arrangements upon at Vienna, the 16th of July, for the armed demonstration which will facilitate the negotiation, as for the measures against the enemy, which may be taken in the confidence and certain expectation, that the present preliminary declaration shall be unexceptionably and fully fulfilled, and that the definitive peace shall be concluded without delay, on the same basis between the three emperors.—3. His imperial and royal maj. engages, as soon as the whole or a part of the Russian troops shall have passed their frontiers, not to treat for peace but on the basis which his maj. has himself acknowledged to be indispensable for the safety of Europe, and if hostilities shall take place, neither a peace nor a truce, but the free consent of the allies, according to the provisions of the concert of the 30th March (11th of April) of this year.—The undersigned, in delivering the present preliminary declaration, which is to be in the end to have the validity of the most solemn act, to his exc. the prince Czartoryski, is authorised to announce to him, at the same time, that he is ready to promote immediately, to the conclusion of the preliminary act of accession of the court of Austria to the concert of the 30th March (11th of April).—The present declaration, delivered to the undersigned by the prince Czartoryski, shall be accepted by the respective sovereigns, in the earliest possible time, and the ratifications exchanged at St. Petersburg.—Of which, the undersigned, ambassador and plenip. of his imperial and royal maj. has signed the present declaration, has caused to be affixed thereto the seal of his arms, and has exchanged with the undersigned the declaration, signed this day, by the prince Czartoryski, joint mini-

ster for foreign affairs of his imperial majesty the emperor of all the Russias. Done at St. Petersburg, the 9th Aug. (28th July). Signed, J. PHILIPPE, count de St. Philippe. No. II. (C)—*Copy of the Declaration delivered by Prince Czartoryski to the ambassador Count de Stadion, on the 9th July (9th Aug.) 1805.*

The undersigned minister for foreign affairs, being authorised to that effect by his imperial maj. the emperor of all the Russias, to his exc. the ambassador count de Stadion, as follows: 1. The several declarations and proposals announced by the court of Vienna, in the preliminary declaration delivered by the vice-chancellor of Austria and state, count de Cobenzel, to his exc. the ambassador count de Razoumofsky, on the 7th of July, are assumed by his imperial maj. the emperor of all the Russias, to be the basis for the concert of measures between the court of Russia, and those of Austria and of London. In like manner, the modifications proposed therein by his imperial and royal maj. for the regulation of the affairs of the continent, are also adopted in case of there being reason to hope that they may be avoided by means of negotiation.—2. His majesty the emperor of all the Russias confirms the military arrangements detailed in the protocol of conferences held between the general lieutenant Wintzingerode on one side, and the prince de Schwarzenberg and general Macdonald on the other, and which was signed the 11th of July. And his imperial maj. engages to fulfil the whole of the measures therein arranged.—3. His majesty the emperor of all the Russias engages, more especially to endeavour to prevail on his British allies to consent to the modifications and demands contained in the paper intitled, "Resolution on some particular objects of the preliminary declaration signed between the courts of St. Petersburg and London, the 30th March (11th of April) of this year."—4. His imperial maj. the emperor of all the Russias promises to best endeavours to engage his British allies to grant the total amount of the subsidies demanded by the court of Vienna on this condition, nevertheless, that if his imperial maj. notwithstanding his exertions, should fail in the attempt, in any circumstance shall occasion no essential change in the measures concerted between Russia and Austria.—5. His imperial maj. the emperor of all the Russias engages, as the whole or a part of the Russian troops shall have passed their frontiers

to treat for peace but upon those bases which his imperial maj. has himself acknowledged to be indispensable for the safety of Europe; and when the war shall have broken out, to make neither a peace nor truce without the consent of the allies, according to the stipulations of the concert of the 30th March (11th April) of this year.—The undersigned, in delivering this preliminary declaration, which is to be in the place and have the validity of the most solemn act, to the ambassador of Austria, is authorised to announce to him, at the same time, that he is ready to proceed immediately on these bases to the conclusion of the formal act of accession of the court of Vienna to the concert of the 30th March (11th April).—The present declaration, and that delivered in return by the ambassador, count de Stadion, shall be ratified by the respective sovereigns, in the shortest possible term, and the ratifications exchanged at St. Petersburg.—In faith of which, the undersigned joint minister for foreign affairs has signed the present declaration, has caused the seal of his arms to be affixed thereto, and has exchanged it against the declaration signed this day by his exc. the count de Stadion. Done at St. Petersburg the 28th July (9th Aug.) 1805. (Signed) LE PRINCE ADAM DE CZARTORYSKI.

No. II. (D).—*Declaration of Prince Czartoryski to Lord G. L. Gower, dated St. Petersburg, 28th July (9th Aug.) 1805.*

The undersigned, joint minister for foreign affairs, being authorised to that effect by his majesty the emperor of all the Russias, declares to his exc. the ambassador, Lord G. L. Gower, as follows:—1. The undersigned has this day exchanged with his exc. the ambassador of Austria, the declarations, of which copies are hereto annexed.—2. His maj. the emperor of all the Russias, expects that the ambassador of England will agree, in the name of his court, without reserve, to their contents; and that if he do not consider himself sufficiently authorised thereto, he will express, in a formal declaration, the several points to which he can immediately assent.—3. The undersigned is authorised to exchange this declaration against that which shall be delivered to him by his exc. lord G. L. Gower.—The present declaration, and that delivered in return by the ambassador of England, which are to be in the place and to have the validity of the most solemn act, shall

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PRINCE CZARTORYSKI
No. II. (E).—*Declara-*
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joint minister for foreign
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ambassador of Austria,
count de Stadion, 28th
July (9th Aug.) 1805.

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ditional article of the above-mentioned treaty, whether as *première mise en campagne*, or as current subsidy, in case that the negotiations, which are about to be set on foot by the French government, do not terminate in war.—He declares, moreover, that if the said negotiations shall not be brought to a conclusion before the 31st day of December, 1805, the expiration of the first three months shall be the term of the payments, which are to be continued monthly, until the commencement of hostilities.—His imperial and royal maj. having engaged to embody an armed force of not less than 320,000 men, the undersigned consents, that the advances to be made, under the head of *première mise en campagne*, shall be paid according to this calculation, with this condition nevertheless, that if, contrary to all expectation, the Austrian armies do not amount to the force above specified, his Brit. maj. may deduct from this payment a sum proportionate to the numbers that are wanting.—The British ambassador cannot consent to the modifications and demands contained in the paper, intituled, "Remarks on some particular objects of the Convention, signed between the courts of Petersburg and of London, the 30th of March, (1st of April)" of this year; as he has hitherto received no instructions from his court, which authorise him to accede to such demands.—The British ambassador accepts the accession of his maj. the emperor and king, under the conditions specified in the preliminary declarations exchanged this day between the plenipotentiaries of their imperial and royal majesties, with this formal reservation, that this acceptance shall not be considered as valid, nor the above-mentioned engagements obligatory, unless the court of Vienna shall, on their side, conform themselves to the whole of the stipulations of the said act.—The undersigned, in delivering to his exc. prince Czartoryski (count de Stadion) the present preliminary declaration which is to be in the place, and have the validity of the most solemn treaty, is authorised to announce to him at the same time, that he is ready to proceed immediately on these bases, to the conclusion of the formal act of accession of the court of Vienna to the concert of the 30th March (11th April).—These presents shall be ratified by the respective courts, in the shortest possible term.—In witness whereof, the undersigned, by virtue of the full powers of his

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Brit. maj., has signed the present preliminary declaration, and has affixed the seal of his arms. Done at St. Petersburg, the 28th July (9th Aug. (L. S.)) G. L. GOWRA.

No. III.—*Preliminary and Secret Convention between his Maj. and the Sweden, signed at Stockholm, 1804.*

His maj. the king of the united kingdom of Gt. Brit. and Ireland, and the king of Sweden, being animated by a mutual desire to strengthen and to closer the ties of friendship and alliance which so happily exist between their courts, having thought proper, in view, to regulate, by a preliminary secret convention, certain points of mutual interests, relative to the perpetuation of affairs; their said majesties named for that purpose, his maj. the king of the united kingdom of G. Brit. and the sieur Henry Pierrepont his envoy and minister plenip., and his maj. the king of Sweden, the sieur Frederick, d. de Heim, president of his chancery, at the command of his order of the polar star, after having reciprocally communicated their full powers, have agreed upon the following articles:—Art. I. His Brit. maj. in order to enable his Swedish maj. effectually to provide for the defence of Stralsund, against any attack whatever on the part of the French, engages to pay, once for all, the sum of 60,000*l.* s. which is to be appropriated solely to that purpose; this sum shall be remitted in three payments, at the interval of a year between each, the first of which is to come due upon the ratifications of the convention being exchanged.—Art. II. His Brit. maj. the king of Sweden engages, as long as the war between Sweden and France continues, or during the space of 18 years, for the least, to permit the establishment of a dépôt in Swedish Pomerania, either at Stralsund, or in the island of Rugen, for both those places, for the corps of 10,000 men, verians, which his Brit. maj. shall be allowed to raise there.—Art. III. The officers appointed to raise the said corps shall be allowed to clothe, arm, and pay them, to form them into battalions, and to remove them out of Swedish Pomerania into such places, and in such proportions as his Brit. maj. shall judge proper.—Art. IV. The stipulations of the two preceding articles being founded on the principle that Sweden is actually a declared

gerent party, it is understood that the said articles II. and III. are to be suspended in their operations until his Swedish maj. shall find himself, by the return of the open season, in a situation to send additional reinforcements, into Pomerania, inasmuch that no measure relative to these dispositions can be adopted before that time.—Art. V. His maj. the king of Sweden engages, moreover, to grant to the subjects of his Brit. maj. during the continuance of the war between G. Brit. and France, the right of an *entrepôt* at Stralsund, for all the articles of the growth, produce, and merchandize, as well of G. Brit. as of her colonies, shipped in British or Swedish vessels. All such articles intended for re-exportation, whether by sea or land, shall only pay a duty of three quarters per cent. *ad valorem*; and those for consumption, such duties only as are actually established at the port of Stralsund with respect to the most favoured nations. A more detailed arrangement of this branch of commerce, as likewise of other points whereby the commercial interests of the two nations might be more closely connected, is to be reserved for a particular act.—Art. VI. His maj. the king of the united kingdom of G. Brit. and Ireland, and his maj. the king of Sweden, mutually engage to ratify the present act, and the ratifications thereof shall be exchanged in the space of six weeks, or sooner if possible, to be computed from the day of its signature. In witness whereof, we the undersigned, furnished with the full powers of our respective sovereigns, have signed the present convention, and have thereunto affixed the seals of our arms. Done at Stockholm, the 3d of Dec. 1804. (Was signed) HENRY PIERREPONT. F. D'EHRENHEIM.

No. IV.—*Convention between his Maj. and the King of Sweden, signed at Helsingborg the 31st Aug. 1805.*

His maj. the king of the united kingdom of G. Brit. and Ireland, and his maj. the king of Sweden, animated with equal desire to contribute, by all the means which Providence has placed at their disposal, to put an end to the misfortunes which disturb the peace of Europe, and particularly convinced of the urgency of securing the fortified places in the north of Germany against all hostile enterprise, have agreed to enter into stipulations for that purpose, by a separate convention, in addition to the preliminary and secret one concluded between them on the 3d of Dec. last; for which

purpose, their said and named for their his maj. the king of G. Brit. and Ireland, his envoy plenip. with his Sw. the king of Sweden, together baron de Toldom of Sweden, governor of Scania, gen. of cavalry of the reg. of carbines and commander of all the Russian troops upon the following preliminary and concluded between the Dec. 1804 is renewed in full force and valid hereinafter specified his maj. the king of that the object states not be more complete to Swedish Port containing the fortress spectable state of deserve a rallying point for the forces of the specially for the troops the Russias, in case be desirous of land place, in order to carry out plan, engages to of 1800*l.* sterling for regular troops, with his maj. shall reinforce the city of Stralsund of 8000 men in the sufficient for the defence the usual garrison, militia, amounting to is understood, that the of in the preceding exceed 4000 men of the subsidies to be the king of G. Brit. sum of 7200*l.* sterling. IV. The payment of subsidies shall be every month, and shall first day of July last, amounting to 1500*l.* sund, and for the may arrive there from Art. V. The two his not having been able penses of transport Sweden, desirous of proof of his wish success of the common

the sole charge of conveying to Pomerania the troops which are to be sent there, in pursuance of the present convention, and not to require any thing for their return.—

ART. VI. His maj. the emperor of all the Russias having signified his desire to land a part of his troops in Pomerania, his Swedish maj. engages, in consequence of the present convention, to afford every facility in his power to such disembarkation, and moreover to enter into particular stipulations with his imperial maj. on that head.

—ART. VII. As the conditions of the obligations contained in the articles II. & III. of the preliminary and secret convention, limit the enjoyment of the privileges therein granted to the king of G. Britain, to the duration of the war between Sweden and France, or to the period of eighteen months for the least, and his Britannic maj. not having availed himself of the stipulations of the above-mentioned two articles, his maj. the king of Sweden engages to extend them as long as the subsidies fixed by the present convention, shall be discharged by G. Brit., and whilst that power shall continue the war against France, in conjunction with Russia.—ART. VIII. The ratification of the present convention shall be exchanged at Stockholm, within six weeks, or sooner, if possible.—In witness whereof,

we the undersigned, in virtue of our powers, have signed the present convention, and have affixed thereto the seals of our arms. Done at Helsingborg, the 31st of Aug. 1805. (Was signed) HENRY PIERREFONT. J. C. BARON DE TOLL.

No. IV. (A)—*Act of Guarantee by the Emperor of Russia, of the Convention signed at Helsingborg, on the 3d of Dec. 1804.*

A convention having been concluded this day, by the intervention of his maj. the emperor of all the Russias, between his maj. the king of the united kingdom of G. Brit. and Ireland, and his maj. the king of Sweden, to provide for the reinforcement of the garrison of Stralsund, in pursuance of the secret and preliminary convention of the 3d of Dec. 1804; the two high contracting parties have amicably requested his imperial maj. to consent to guarantee the execution of so desirable an object. His maj. the emperor of all the Russias has accordingly willingly agreed to a measure which tends solely to so salutary an end; and having thereunto furnished us with his full powers, we the undersigned envoy extra. and minister plenip. of his imperial majesty, declare and assure by this

present act, in virtue of our faith, that his maj. the emperor of all the Russias guarantees the convention, which was signed this day, between his maj. the king of the united kingdom of G. Brit. and Ireland, and his maj. the king of Sweden, in all its extent, as well with the two articles which are annexed to it, as with the provisions, conditions, clauses, and stipulations, contained therein, in the best possible manner, and that his imperial maj. will cause the said convention to be forwarded and delivered, the ratifications of this act of guarantee of which, we have signed the present act, and have caused the seal of our arms to be thereto affixed, and have exchanged the said acts of acceptance; and be likewise exchanged the ratifications of the present act against the ratifications of the said acts of acceptance, in the space of six weeks, or sooner, if possible, at Helsingborg this 31st day of Aug. 1805. D. ALOPEUS.

No. IV. (B)—*Acceptance by his Majesty the King of Sweden, of the Russian Guarantee to the Treaty of Helsingborg, of 31st Aug. 1805.*

A convention having been concluded this day, by the intervention of his maj. the emperor of all the Russias, between his maj. the king of the united kingdom of G. Brit. and Ireland, and his maj. the king of Sweden, to provide for the reinforcement of the garrison of Stralsund, in pursuance of the secret and preliminary convention of the 3d of Dec. 1804; and his said maj. having also granted, at the request of the high contracting parties a guarantee of all the stipulations contained in the said convention, the undersigned, envoy extra. and minister plenip. of his maj. the king of the united kingdom of G. Brit. and Ireland, receives with acknowledgement the ratification of the guarantee which has been delivered to him this day, in the name of his imperial maj. the emperor of all the Russias, by his envoy extra. and minister plenip., and declares, at the same time, that his Brit. maj. will cause the said convention to be forwarded and delivered, the ratifications of this act of acceptance.—In faith of which, we the undersigned minister plenip. have signed the present act, and has caused the seal of his arms to be thereto affixed, and has exchanged it against the act of guarantee above mentioned; as shall also be done, the ratifications of the present act against the ratifications of the said convention within the space of six weeks, or sooner if possible. Done at Hel

this 31st day of Aug. 1805. (Signed)
HENRY PIERREPONT.

No. IV. (C).—*First Separate Article of the Convention of Helsingborg, signed 31st Aug. 1805.*

His maj. the king of the united kingdom of G. Brit. and Ireland, and his maj. the king of Sweden, have agreed by the present separate and additional article, that the subsidies fixed by the second and third articles of the convention signed this day, shall continue to be paid by G. Brit. during the continuance of the war between that power and France, conjointly with Russia, or as long as the state of affairs and the operations of the allies, shall require that the fortress of Stralsund be kept in a respectable state of defence, unless the two high contracting parties shall mutually consent to the cessation of such subsidies. In both cases, if the term of their payment should happen when the sea is innavigable. His Brit. maj. engages, nevertheless, to continue their payment, according to the same rate theretofore, till the day of the return of the Swedish troops into Pomerania, which shall take place by the earliest opportunity. —This separate article shall have the same force and validity as if it were inserted, word for word, in the convention signed this day, and shall be ratified at the same time.—In faith of which, we the undersigned, by virtue of our full powers, have signed the present separate art., and have caused the seal of our arms to be affixed thereto.—Done at Helsingborg, the 31st day of Aug. 1805.—Signed, HENRY PIERREPONT. T. E. BARON DE TOLL.

No. IV. (D).—*Second Separate Article of the Convention of Helsingborg, signed the 31st of Aug. 1805.*

The Hanoverian troops, which (in pursuance of the stipulations of the second and third art. of the secret and preliminary convention of the 3d Dec. 1804, renewed by the seventh art. of the present convention) may be hereafter assembled in Swedish Pomerania, shall continue, as long as they remain in that province, under the supreme orders of the commander-in-chief of the united forces, without any violation of the rights established in the three above-mentioned articles.—This separate art. shall have the same force and validity, as if it were inserted, word for word, in the convention signed this day, and shall be ratified at the same time.—In faith of which, we the undersigned, by virtue of our full powers, have signed the present

separate art., and our arms to be at Helsingborg, this —Signed HENRY BARON DE TOLL.

No. V.—*Treaty of the King of Sweden 3d of Oct. 1805*

In the name Undivided Trinity the united kingdom of Sweden, and his maj. in pursuance of the understanding by sent so happily establishing a more direct every thing which war, which the F against several powerful unjust and offend itself upon principle security and tranquility of the present state; the judged proper to the means of opposing to the misfortunes of Europe. In chosen and nuncios, namely, I united kingdom of the hon. Henry Pi and minister plen and his maj. the k Christopher Baro kingdom of Sweden of Scania, gen. chief of the regiment, knight and colonel and knight of all after having communicated full powers, have signed articles:—Affect understanding between his Brit. maj. of Sweden.—Article concluded between the 31st Aug. last, is to remain in full force of the new stipulations of the present treaty.—A of Sweden, desire effect towards the plan, engages to be destined to act agreeably in concert with the troops of the Russias, which merania. The now employed for this

PARL. PAPERS.—*the Continental War.*

ry case, at 12,000 men.—ART. 4. His Brit. maj., in order to facilitate to his Brit. maj. the means of acting with vigour and conformably to the sentiments of public interest, by which he is animated in the common cause, engages to furnish an annual subsidy, at the rate of twelve hundred shillings sterling for every man; such subsidy shall be paid in equal portions, at the end of each month.—ART. 5. His Brit. maj. moreover engages, as a consideration for the expenses of assembling, equipping, and conveying the said army, to furnish, under the head of put money in motion, a sum equal to five per cent. on the subsidy, to be calculated according to the scale laid down in the preceding article, payable immediately after the ratification of the present treaty.—ART. 6. The high contracting parties engage not to withdraw their arms, nor to conclude peace with the common enemy, but by mutual consent; but, on the contrary, to remain united and inseparably united, as long as the war lasts, and until the conclusion of a general pacification.—ART. 7. In pursuance of the engagements agreed upon between the high contracting parties by virtue of the preceding art. not to lay down their arms without by common consent, his Brit. maj. engages to continue the subsidies stipulated in the present treaty, until the end of the year 1806.—ART. 8. His Brit. maj., in order to cover the expenses of the return of the Swedish army, as of all other objects connected therewith, engages to continue the subsidies stipulated by the present treaty until three months after the peace.—ART. 9. His Brit. maj., impressed with the importance of putting the fortress of Stralsund in the best possible state of defence, engages to place, immediately after the execution of the ratifications of the present treaty, at the disposal of his Swedish maj. an additional sum of 50,000 £ sterling for that purpose.—ART. 10. The present treaty shall be ratified by the two high contracting parties, and the ratifications thereof shall be exchanged in six weeks, or sooner, if possible.—In witness whereof, we the undersigned, in virtue of our powers, have signed the present treaty, and have thereunto affixed the seals of our arms.—Done at Stockholm, the 3d Oct. 1805. (Was signed) HENRY PIERREFONT. J. C. BARON DE LILLE.

SUPPLEMENTARY PAPERS RELATIVE TO THE CONTINENTAL WAR, BY HIS MAJESTY'S COMMISSIONERS OF BOTH HOUSES OF PARLIAMENT, AND 4TH FEB. 1806.

No. 1.—*Copy of a Dispatch from Arthur Paget to Lord Mulgrave, (N. 1000) Vienna, June 5, 1805.*

My lord; when I was with the Count Coblenz yesterday morning, I was considerably agitated on account of the intelligence he had received from the Emperor. He began by telling me that he was extremely anxious for my arrival, in order to communicate to me the information which had been received the preceding evening by a courier, and then sent for the dispatches which he had received from the imperial court at Genoa, and gave them to me in the substance of them is contained in the preceding number.—The original of the dispatch was sent in the night to the Emperor, and the vice-chancellor was just then bringing an estafette with the intelligence to Petersburg.—I wrote a few lines to my lord by this opportunity, to inform his majesty's ambassador at that court of the circumstances. Count Coblenz said to me, if I meant to transmit the intelligence by a messenger, and indeed seemed desirous that I should; but, upon it appearing certain that that gentleman would receive it sooner through Frankfurt, he however, led me to ask the Emperor what he conjectured to be the opinion of the govt. upon this important question he replied, that he was aware that it had made a very serious impression upon the Emperor's ministers; but that, in his absence, he could not take the liberty entirely to say more; that he thought that the first order he should give his imperial maj. would be to recall the whole mission from Genoa. The view ended here, after a conversation which had elapsed in the perusal of the papers. I have the honour to be, Sir, your obedient servant. (Signed) ARTHUR PAGET.

Copy of a Dispatch (No. 52.) from Arthur Paget to Lord Mulgrave, Vienna, 22d June 1805.

My lord; it is, I believe, the annexation of Genoa and the acts which nothing but an apoplexy can afford a proper satisfaction. I do not find that the broken silence upon those sub-

been lately a subject of deliberation in the military councils here, whether, in the event of being attacked, Venice should be abandoned, and the question has been decided in the negative.—Gen. Devaux, an engineer officer of great merit in this service, sets out within this day or two, in order to put the following places into the best possible state of defence, viz. Venice, Treviso, Trent, and Brixen. (Signed) ARTHUR PAGET.

Copy of a Dispatch from Sir Arthur Paget to Lord Mulgrave, dated Vienna, 6th July 1805. (No. 55.)

My lord; the French ambassador demanded at the beginning of this week an interview with the vice-chancellor, who, being himself too unwell to accept it, deputed the under-secretary of state to receive him.—The purport of the communication made by M. de Rochefoucault was to inform this court, that the different encampments which had lately taken place in Italy, had been formed for the sole purpose of exercising the troops, and that, having been inspected by Bonaparte, they had broken up, and the troops had returned into their respective quarters; that Bonaparte could not be ignorant of, or insensible to, the great military preparations which have of late been making in this country; that he trusted, however, that the emperor, guided by a mutual desire to remain upon terms of friendship and amity with France, would give the same unequivocal proofs of it.—Two or three days after this communication, the vice-chancellor saw the French ambassador, and gave him the same sort of answer he had already done on nearly a similar occasion. He informed him, that the military preparations alluded to, had been determined upon in consequence of the French army in Italy having been considerably augmented; that precaution therefore had rendered them necessary; that it was, and always should be the emperor's firm resolution, to adopt such a system as the safety of his dominions appeared to require; that the preparations in question were within those dominions, whereas Bonaparte had collected his troops in a country which did not belong to him.—The above is the substance of what has passed upon this occasion between the vice-chancellor and the French ambassador, as related to me by the former. (Signed) ARTHUR PAGET.

Copy of a Dispatch from Sir A. Paget to

Lord Mulgrave (No. 64.)

My lord; on or Tuesday last 40,000 men at Italy and the 120,000 to 150, preparations we have created so public here, nor spect of a serious last measure.—

corps would nat upon the Inn. lately been held the emperor p Charles and Jo Mack, and Cha sisted. The arc orders to hold t the army in Italy —According to t by this governm to be any extrao and no later thar told me, that ev et upon the R imperial minist am informed by ved instructions peror considers the constitution ARTHUR PAGET
Copy of a Dispatch Mulgrave, date (No. 72.)

My lord; I possession, by th whole of the n carrying on betw since Nov. 1804. ago, from lord G. messenger, copie changed between on the 9th inst. his lordship, it maj. has consenti tions proposed b to the arrangemen tion of the contin therefore, to be courts, is that a first place, I hav ship, that at an il Cobentz immedi lord G. L. Gower whether the emp Stadion's declar conditions under

de to the Austrian government.—In
er to which application, I was this
nformed by the vice-chancellor, that,
ugh he had not as yet received his im-
maj.'s final commands, yet that he
o doubt that the ratification to the
: declaration would be sent to St. Pe-
argh by the first messenger. It is ob-
ly unnecessary for me to enter into a
lation of the difference between the
dy offered, and the sum demanded.—
he year 1806, the stipulations are, as
informed by the vice-chancellor, mu-
understood and agreed to. It is
ore for the subsidy of the present year
is maj.'s ultimate decision is anxiously
ed; and, with a view to accelerate
ich as possible the conclusion of this
ess, I conceive it to be the wish of
emperor's ministers, that it should
forth be treated directly between the
s of London and Vienna.—From the
nt appearance of things, it is evident,
a war with France will now no longer
d upon the payment of 1 or 200,000*l*.
or less; I must nevertheless observe,
count Cobentzl has insinuated to me,
he language which the emperor will
be called upon to hold to the French
would naturally be heightened or low-
in proportion as he may be provided
the means of making good his preten-
s. His maj.'s govt. may certainly ex-
that the subsidiary demands of the
of Vienna beyond the sum which has
dy been offered by his maj.'s ambassa-
at St. Petersburg, and accepted by
t Stadion, will be strongly pressed up-
According to the best information I
been able to obtain upon the subject,
Austrian armaments have already occa-
d an expenditure of about 36 millions
rins. What the result of them may
another question: but I must admit,
they could not have been carried on
a more extensive and a more formi-
scale, and with greater activity, had
sum been previously placed in their
.—I have received the same statement
e expenditure from count Cobentzl,
e has in fact requested me to impress
ongly as possible upon the minds of
maj.'s ministers, that, considering the
shed state of the finances of this coun-
the emperor fully relied upon the ge-
nity of his maj., and had, consequent-
ot hesitated at once to place his ar-
upon the most formidable footing.
ed) ARTHUR PAGET.

*Copy of a Dispatch from Sir
Lord Mulgrave, dated Vien-
1805. (No. 73.)*

My lord; I have the hon-
a Règlement which was publish-
and by which the Austrian
red to be upon the war-estal
order to avoid your lordship
contest with the probably b
which this Règlement is w
caused a translation to be m
sential points contained in it
with enclose—The opening
the most important of the w
pened to be in count Cobentzl
terday morning reading some
the French ambassador arriv-
joining audience with this R
hand. The interview, thou-
was, I fancy, rather a boi-
M. de la Rochefoucault, a
Règlement, began by saying
bentzl informed me imm-
wards, "Vous voulez donc
bien vous l'aurez;" the conve-
in other respects appear to l
The vice-chancellor contende
peror's views in arming we
peace, and that at all events
his own country, whereas F
maments were made in a cou-
not belong to him.—It is un-
I should say more upon th
your lordship will have air-
through count Starheinbergh
cent communications which
place between the court of V
French govt. (Signed) ARTHUR

*Copy of a Dispatch from Sir A
to Lord Mulgrave, dated
Aug. 1805. (No. 75.)*

My lord; a Russian couri-
yesterday with an account th
dy of the Russian troops un-
tous of were to enter upon the
ritory on the 26th instant.
mour to be, &c. ARTHUR I
*Copy of a Dispatch from Sir A
to Lord Mulgrave, dated
Aug. 1805. (No. 77.)*

My lord; it was not until
that I got a sight of the answe
French government to the
the court of Vienna. This a
as a letter from M. de Tal-
vice-chancellor, written abou-
ter, and a second note prese-
Philip Cobentzl about the s
which I have read, will b

course of a very few days to count Star-hemburgh for the information of his majesty's government. In the mean time I will inform your lordship of the substance of the matter contained in these pieces. In the first place, the note in answer to the declaration, contains a refusal to accept the mediation of the court of Vienna. Bonaparte rejects all idea of any further negotiation with Russia; he at the same time tells the court of Vienna that it depends upon the emperor to bring about a peace between England and France; that he has nothing to do but to disarm, and to declare to England that he will take no part in her quarrels with France, and that thus peace between those powers will be signed before the month of February. The letter of M. de Talleyrand is written in the same sense, and goes into a great deal of detail, to prove that Austria is running headlong into perdition by allying itself with Russia; that its true ally is France; that the emperor has no right to complain of the annexation of Genoa to France, because Bonaparte tacitly consented to the cession of Lindau in Swabia (this is so ludicrous that, had I not seen it, I should not have ventured to have reported it) to the court of Vienna; (I will just observe that this Lindau belonged to the prince Bretzenheim, a natural son of the late elector of Bavaria, for which possession he has in exchange received an estate in Hungary;) that the whole conduct of the court of Vienna is favourable to England, and of course inimical to France; that these armaments will oblige Bonaparte to withdraw his troops from the coast, and that he must thus abandon the conquest of England, towards which his whole views had been of late directed. The second note contains a formal demand that the Austrian troops in Italy and the Tyrol should be reduced to the numbers that were in those countries six months ago, and that the fortifications de campagne should be discontinued, in which class those of Venice are placed. To these demands a speedy and categorical answer is insisted upon, in default of which Bonaparte will withdraw his troops from the coast in order to repel force by force. I am, &c. ARTHUR PAGET.

Copy of a Dispatch from Sir A. Paget, K. B. to Lord Mulgrave, dated Vienna, 5th Sept. 1805. (No. 80.)

My lord; prince Charles Schwartzemberg set out the night before last for Munich. He is ordered to notify to the elec-

tor the entry of which will take will, for the pro than the Iser. I

Copy of a Dispatch to Lord Mulgrave, Sept. 1805.

My lord; or within these the Russian ambassador of the Russian Razamofsky is where this force be decided according to the commander that they will prefer. It is presumed to have been instructed to the Russian general for to return from that kingdom. Count C. expects that a compromise will be made to me, of the forces under

Extract of a Dispatch to Lord Mulgrave, Sept. 1805.

I am happy that the emperor's accession delivered Stadion to his majesty at Petersburg, within the day before. Charles will leave he will take up Padua, at which fifth day. The for the Tyrol the

Extract of a Dispatch to Lord Mulgrave, 1805. (No. 80.)

I am to see ing. It is possible communication relate to the Bavarian induce me to send. Lest it should be form your lordship varia, after having manner bound him those of Austria, having given our army to follow the French minister at burgh. I cannot ship of the meal of the elector of Bavaria to adopt towards that the last account

Austrians have now orders to advance as far as the Lech.

Copy of a Dispatch from Sir A. Paget, to Lord Mulgrave, dated Vienna, Sept. 15th 1805. (No. 88.)

My lord; I have the honour to inclose a duplicate of my dispatch of yesterday. I have now to inform your lordship that the French ambassador yesterday demanded his passports, which he was instructed to do as soon as he received information of the Austrians having entered into Bavaria. Instructions have been sent to the Austrian minister at Munich to follow the elector of Bavaria to Würzburg, and to employ promises, threats, and every means of bringing him back to his engagements. This had already been done by prince Schwartzenberg. Mr. Buol will offer more. We shall see whether Mr. de Mongelas will be more tractable with him.—The Bavarian forces do not, as count Cobentzl mentioned to me last night, amount to more than 10 or 12,000 men. The elector of Bavaria, in his first interview with the prince, promised every thing that was demanded; he confirmed his promise in a few lines he wrote him; he sent gen. Nogarolla here with a letter to the emperor, which commences nearly in these words:—

"I have ordered my minister to sign a treaty with prince Schwartzenberg, by which I join my troops to those of your majesty."—When the above officer arrived with this letter, the emperor had already heard of the elector of Bavaria's departure. The Russians are to be at Brünn on the 20th. Couriers have been sent off to request that they may advance by forced marches. Gen. Meerfeldt is to be attached to these corps.—This govt. has, within these few days, had accounts of the whole of the French army having quitted the coast, and being in full march for Strasburg and Mayence.—It is said that Bonaparte will command in Germany with marshal Ney under him. It is reported, that Joseph Bonaparte will command in Italy, having Massena attached to him. I have the honour to be, &c. A. PAGET.

Copy of a Dispatch from Sir A. Paget, to Lord Mulgrave, dated Vienna, 18th Sept. 1805. (No. 91.)

My lord; the emperor sets out for the army to-morrow. His imperial majesty, after having conferred with gen. Mack upon the different objects for which he undertakes this journey, will, I understand, return to Vienna for the transaction of busi-

Vol. VI. Appendix.

ness, previous to his final departure from the command of his armies. Your lordship will have informed your majesty that the Austrians were advancing. I have now to announce a new forward movement to the Iller, and the position of the French, according to the last accounts which I have received here, it is supposed to be under Bonaparte, which is at Strasburg and Mayence, but the latter will amount to nothing independent of this, there is a movement under Bernadotte, which is now marching in the direction of the view probably of the Elbe. It will therefore be necessary to strengthen the French in Germany, which can only be done by drawing troops from the Tyrol. In consideration, together with the operations in Switzerland, the emperor has acceded to the demand made by the Swiss govt. for his imperial majesty, in the Landammann, has signified his consent to admit the neutralisation of Switzerland; but his imperial majesty, at the same time, declared, that in consequence of this engagement will adhere to a strict system on the part of the Swiss from the moment they permit the French troops, or grant any sort; in general, that if the slightest degree from the French have proposed, he shall, without explanation, look upon the alliance as dissolved.—The necessity of fresh efforts, appears to be confirmed by count Cobentzl, who has informed by count Cobentzl only all the reserves, but the Double Reserve, have been sent out.—The archduke Ferdinand yesterday, to join the army, has the honour to be, &c. PAGET.

Copy of a Dispatch from Sir A. Paget, to Lord Mulgrave, dated Vienna, 18th Sept. 1805. (No. 94.)

My lord; I have little to say to your lordship with by this post. The reports from gen. Mack are of the most alarming nature; and the apprehensions were at one time entertained of a large force which Bonaparte was to send into Germany, gradually desertion of the Bavarians to

c

is said to be considerable. Count Cobentzl's information, however, respecting the numbers of the Bavarian army, was incorrect. They may, I believe, be estimated at 20,000 men.

Copy of a Dispatch from Sir A. Paget, to Lord Mulgrave, dated Vienna, 25th Sept. 1805. (No. 95.)

My lord; accounts were rather unexpectedly received here yesterday, which announce the arrival of the emperor of Russia at Brecz. Prince Schwartzberg will set out from Vienna this evening, to attend upon his imperial majesty during his stay in that country. The Russian troops are advancing in carriages. (Signed) A. PAGET.

Extract of a Dispatch from Sir A. Paget, to Lord Mulgrave, dated Vienna, 2 Oct. 1805. (No. 97.)

My lord; it has been several times reported here, that the French had crossed the Rhine; the account which arrived here yesterday of that event, appears to be credited by this govt. Should it be true, or whenever it may happen, gen. Mack, as count Cobentzl assured me last night, has orders to advance and give them battle. It has been found necessary to reinforce the army in Germany by drawing 30 battalions from Italy; a circumstance which appears to have created some displeasure in the archduke Charles. The emperor's departure to take the command of the army, is fixed for the 22d of this month. The head of the first Russian column will have crossed the Danube at Krems, on the 5th (17th) inst. It is calculated that the whole corps under gen. Kutusow will have joined the Austrians by the 22d inst. I have the honour to be, &c. A. PAGET.

Copy of a Dispatch from Sir A. Paget, K. B. to Lord Mulgrave, dated Vienna, 24th Oct. 1805. (No. 100.)

My lord; if the first operations of the campaign have been attended with loss and disadvantage, which, from the present aspect of affairs, it is, I am grieved to say, not too much to presume, we may, among other causes, attribute our ill successes to the following:—The first and principal fault which has been committed, was to have taken the field with too small a force; since the very first appearance of a rupture with France, it has been proved almost to demonstration, that the theatre of the war would be in Germany. Bonaparte himself publicly announced it in the first note presented by the charge-d'affaires at

Ratisbon; and it is difficult to calculate how many more troops Bonaparte would have had at Strasbourg than he now has at the present command. The French command is estimated at less than 100,000 men, standing which, opened in Germany; whereas, at Vienna, neither of us the archduke Charles 100 to 120,000 men in this strange distribution of the forces by ways:—1st, it is aware of the jealous hatred between us was unwilling to accept a proposal to withdraw a considerable number of troops in the commence of the war; it was judged expedient to command of 11. To this false and fore, are in a present misfortune any thing improbable it was not until 10 battalions of infantry from Italy to reinforce the emperor's army, and measure gave a the archduke Charles the plan of the war been calculated, taking of it, the Russian. This in truth, however, was the calculation upon what it was likely to say.—Considerations which were the return of M. Ne the middle of July that time Bonaparte have acquired of on between his military courts, it was that the deception beyond the month of fact the epocha the other hand, it was, ascertained, would quit the camp Sept.; it might be that according to their movements, of their chiefs, and

stination at the end of the same month. Equally well might it have been known at the first Russian army could not have arrived upon the Inn before the middle of Oct.; whence it became evident, that, in opening the campaign in the vicinity of the Rhine, the Austrians voluntarily, and with their eyes open, chose to commence hostilities single-handed against the French. His statement, if it be a true one, and I think it cannot be refuted, places, it should seem, gen.^l Mack in the following dilemma:—either the Austrians were in sufficient force to contend alone against the French, or they were not. In the first hypothesis, why should the position of the river have been chosen, never to be abandoned? in the latter, why risk so forward a movement? If however gen. Mack in taking up his position on the Iller under the above-mentioned circumstances, could have felt himself confident of being able to maintain it until the arrival of the Russians, it is natural, that, with a view of opposing a barrier to the progress of the enemy into the empire, he should have chosen it in preference to a more backward position. One cannot suppose that he could have been directed by any other motive; we have had the mortification to discover the fallacy of it. There was unquestionably something fascinating in the idea of opening the campaign in Swabia or Wirtemberg, rather than in Bavaria; but it is to be presumed, that had the latter electorate been fixed upon as the first scene for action, various advantages would have resulted from it.—In the first place, had the Austrians advanced no farther than the Inn the Isère, or even the Lech, the French would have required 8 or 10 days more to come in contact with them, and the Russians might have joined them in as many days less.—Thus the archduke Ferdinand's army of 80,000 men, the Russians had a corps of Austrian cavalry making either 60,000 men, would have been concentrated and ready to act together at the very moment given.—3dly, By this plan (supposing the Austrians to have taken their first position on the Inn) it is possible that the scandalous defection of the elector of Bavaria might have been avoided. Placed between two powerful armies, he would perhaps have maintained his neutrality until the moment of the explosion. Had victory attended the Austrians, he would have become an easy prey to their armies; at all events, the immense mischief which both

his army and his subjects had done in Germany since the commencement of hostilities, would have been avoided. 3dly, It is true that the elector of Baden, Wirtemberg, and the French would have equally been deranged by the ravages of the French armies; but this was not to be prevented but by the action of the whole of the south of Germany against the Austrians; and the elector of Bavaria creates little regret that the princes creates little regret that the princes they have undergone. The position of the Iller was, however, chosen, and the campaign was opened at the end of Sept. The operation was commenced by generals Bernadotte and Montmorency, who directed their march from Wurtzburgh, thence into the Franconian of Anspach; and having collected all the Bavarians that they could find, they crossed the Danube at Neubourg, driving before them the French corps under general Riemer. They entered Bavaria with between 100,000 and 120,000 men. And here commenced the operations of the campaign. What was undervalued the force of the French army, whether he was uninformed as to its destination, or whether he had conceived to be a march into Bohemia, remains to be seen; certain it is that, instead of his own position in consequence of his contented himself with detaching a considerable force, under the command of gen. Riemer, for the purpose of carrying out its operations.—During the month of Oct., the French army amounted, according to calculation, to 80,000 men, croziers, &c. The electorate of Wirtemberg, the principality of Nordlingen, &c. were passed over in a degree of rapidity almost unequalled in the 6th and 7th Oct. the French army had crossed the Danube near Donauwerth, had taken possession of the river and Augsburg. This movement, formed a junction of the French army under Bernadotte, and the army of the Rhine in the rear of the Austrians.—From this movement it is evident that species of warfare by which the French rendered themselves so formidable in former campaigns, was revived in the affairs of the 8th, 9th, and 10th Oct. already had the honour of your lordship the official notice of those who were the most successful in the issue of the battle of the 11th

some hopes of future success, but they were illusory. Gen. Ney had quietly made his retreat upon the main of the French army still between the Danube and Augsburg, and the communication between the Austrians and Russians was now completely cut off.—In consequence of this movement (whether by choice or by necessity I know not) gen. Mack divided his army, and gen. Jellachich was detached with, I believe, 15 or 16 battalions towards the Tyrol. Orders were sent at this time to the garrison of Memmingen, which consisted of 11 battalions, to evacuate that place and join the above corps under gen. Jellachich. Whether the order arrived too late, or whether it was ill delivered, I am also unable to decide; but the garrison capitulated to the French under gen. Davoust, after the town had been nearly reduced to ashes. It is to be observed, that the artillery destined for the fortifications of that place, was still without the town. On this occasion, a great number of Bavarian peasants who had joined the French, and who were taking possession of the above artillery, were cut to pieces by the Austrian hussars, who carried the whole or the greatest part of it off. I am sorry to say, that a general consternation and dismay is beginning to prevail here, at least in the public. The presence of the emperor of Russia, who is expected here on the 5th of next month, may perhaps tend to dispel the gloom, particularly should affairs take rather a more favourable turn in the interval. If in truth they bear an inauspicious aspect, they are not by any means desperate. There is an army of reserve of 50,000 men; there are as many more Russians on their march; some reinforcements may be drawn from Italy; 50 or 60,000 men may, it is to be hoped, be saved from the Austrian and Russian armies now in Germany; so that, in the course of 3 or 4 weeks, unless these armies should be absolutely and literally annihilated, we shall have considerably above 100,000 men ready to take the field.—Had hostilities commenced at the proper period in Italy, we should in all probability have been in possession of the Milanese.—On the 16th inst, the day on which it was calculated that the archduke would cross the Adige, a cannonade was opened from the French side of Verona upon the works constructing by the Austrians on their side, and which was answered by them. This is the only act of hostility which,

down to this date, has taken place in Italy. I have the honour to be, &c. A. PAORT.
No. II.—*Extract from a Dispatch of Lord G. L. Gower to Lord Mulgrave, dated St. Petersburg, 29th June 1805. (No. 27.)*

My lord; the annexation of the Ligurian republic to the French empire, executed at the very moment when a Russian plenipotentiary was expected in France, charged with propositions of which the professed object had been the general arrangements of the affairs of Europe, is considered as so gross an insult to both sovereigns, whose sentiments that plenipotentiary was empowered to declare, that his imperial majesty has judged, under these circumstances, he could not, consistently with what is due to his own dignity or to that of his august ally, permit M. Novossilzoff to proceed to fulfil the object of his mission. I have the honour to be, &c. G. L. GOWER.

Extract of a Dispatch from Lord G. L. Gower to Lord Mulgrave, dated St. Petersburg, 22d July 1805. (No. 30.)

My lord; I was on the point of dispatching yesterday the messenger to England; when I received an invitation from prince Czartoryski to a conference, in which he read to me some very important dispatches he had just received from count Razumouskoi and gen. Winzingerode. By these it appears that the emperor of Germany is at last awakened to a sense of his true dignity, and the real interests of his empire; and that, foreseeing the inevitability of war, he is determined not to leave to Bonaparte the choice of the moment to commence hostilities.

Extract of a Dispatch from Lord G. L. Gower to Lord Mulgrave, dated St. Petersburg, 3d Sept. 1805. (No. 38.)

My lord; the last dispatches from the Russian ambassador at Vienna, speak in strong terms of the warlike temper of that cabinet; certain communications had been made from Paris, which indicated a yielding disposition on the part of Bonaparte; but to these indications count Cobentz seems to attach no credit, and count Razumofskoi represents that the present character of the Austrian ministry is a direct contrast to its former timidity and indecision, and that a firm conviction seems now to prevail at Vienna, that it is through war alone that any security can be obtained against the ambition and power of France. There is just ground for expecting that his imperial and royal majesty being persuaded that war is inevitable, may be induced

not to wait the issue of the proposed negotiations with the French government, but that he will commence hostilities at the time when the superiority of the allied forces promises the best prospect of success. Towards the beginning of Oct. the Austrian army upon the Venetian frontier will be completed to its full establishment, and will without doubt be greatly superior in numbers to the French forces in Italy, and the Russian armies will be sufficiently advanced into the hereditary states, to ensure their arrival upon the frontiers of Bavaria, before the French troops from the coast and the interior of France can reach the German empire; I have therefore, in several conversations lately with prince Czartorisky and comte Stadion, urged the expediency of losing no time in beginning war. The prince informs me, that he has already instructed comte Razumouskoi to press this consideration upon the attention of the court of Vienna, but that he will not fail to repeat the instructions to the Russian ambassador.—I have great satisfaction in observing the increased energy and vigour of this court. The emperor, foreseeing the possibility of Bonaparte effecting a large augmentation to the French army in consequence of the menaced attack by the allied powers, has resolved to be prepared to meet such an effort, by a corresponding exertion on his part, and he has ordered a levy of four men in every 500, which will produce above 150,000 men:—A corps of about 10,000 men, under the command of his imperial highness the grand duke Constantine, and composed chiefly of the garrison of St. Petersburg, began their march towards the Prussian frontier on Thursday the 22d. The troops destined for Pomerania are ready for embarkation, and will probably sail in about 6 or 8 days; they amount to 20,000 men. No dispatches, however, have been received from M. Alopeus, who was charged to negotiate with the king of Sweden the necessary arrangements for the landing of the Russians at Stralsund, and the augmentation of the Swedish garrison at that port. I have the honour to be, &c. G. L. GOWER.

No. III. (A.)—(Translation.) *Plan of Operations proposed by the Court of Vienna.*

France, upon the new organization of her army, has on foot,

112 regiments of the line	-	404,828 men.
30 regiments of light infantry		107,540

85 cavalry	-	-	-
16 artillery	-	-	-

This number, with the different corps in Corsica and of 21 regiments of Dutch soldiers, 18 auxiliary troops, and the imperial guard which 15,000 men, makes a total of the whole military force in France. These troops are in part already on the war. Any grand descent from the coast of France, with of decided success, is scarcely to be expected. France may therefore draw almost all her troops from her coasts. Besides the national guard, in peace would enable her to spare the line even from where they are employed in preserving domestic security. It follows, that she will employ 500,000 men in Italy and Germany.—In opposition to the 250,000 Austrians and Russians, stipulated in the last peace, she will oppose a total force, which is, so much the less to be desired, because very little effective force can be expected from the Swedish. The following are the conclusions from the statement. Considering this estimate, and the advantages which France enjoys in the present situation, whether for defence or aggression, the maintenance of a more favourable conjuncture seems to be infinitely desirable; however, war should become necessary not only to ensure its success, but likewise evils more alarming than the present moment; it would be indispensably necessary, that it should use their most vigorous measures to oppose those of the enemy, and efficiency means at least equal, if not superior.—The military, the financial, and the general resources, must concur in putting the energies, by which alone we can give success to our efforts.—The arrangements. This co-operation of three branches could be of great use, if the Austrian armies should be brought to the field more than 300,000 men. The first of the papers subjoined would be the deficiencies to be supplied by the imperial and royal army.

in appointments, and in remounting the cavalry, besides other augmentations, necessary to raise it from its present weak state, upon a peace-establishment, to the number above-mentioned; and at the same time, to leave the number of troops requisite for service in the interior of the monarchy, and for the observance of the movements of Prussia.—The difficulties which strike upon a first view, will appear still more considerable upon a due attention to the manner in which the Austrian troops are now distributed. The line formed to prevent the introduction of infectious disease, has indeed contributed to obviate, in part, that disadvantage, as it leaves the Venetian dominions of the empire no longer in danger of a surprize from the French. But, if it were necessary to take measures to oppose a great force to that which the enemy might bring against us from the interior of his dominions, then would dispositions the most prompt and vigorous be requisite, to the seasonable concentration of the Austrian troops which are, in great part, at a distance from the frontiers in danger, to put them upon the footing for war, and to bring them to act upon the points which are the most exposed. This first measure would require to be carried into effect with the greater activity, because it could not be expected that the troops of his majesty the emperor of Russia should, from such a distance, arrive on the scene of action, till after the Austrian troops should have sustained the first attacks of the enemy. His majesty will not be deterred by these great difficulties, if war shall become unavoidable; he will, in that case, use his most strenuous endeavours to surmount every difficulty, and fulfil his engagements. But, to give effect to this steady resolution, it is necessary;—2dly, That there should be adequate financial resources, and that the difficulties which present themselves under that head, should be removed. The imperial court of St. Petersburg has already been informed of the vast and necessary expenditure required to put the infantry, the cavalry, the carriages and artillery, the objects of the commissaries' department, the magazines and stores, in short, every thing belonging to the army, upon the full war-establishment. The succour of 15 millions of florins, which has been asked from England for this primary service, is not more than one-half of what is actually wanted. The expence of each campaign of the last war was from

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results; because the places upon the Meuse on the one side, and in Alsace on the other, would every where arrest the progress of our armies. Add to these another consideration of not less weight, that, since neither of those operations could be carried into effect but by great armies, there would be few troops left to cover the upper Rhine. The enemy might avail himself of that local weakness; might direct his attack there, while we should be occupied in the siege of Landau or Mentz; and might thus advance in a line of operation shorter than ours; might possess himself of our communications; and might get between us and all our supplies. To avoid being cut off from these, we should, in that case, be obliged to abandon every thing without striking a blow.—An attempt through Switzerland, against Franche Comté, would be, indisputably, the most formidable to the enemy. His frontiers are there open. But, as such a plan of operation could not be carried into effect but through Swabia, by the Voralberg, or below the lake of Constance, on account of the impossibility of having supplies conveyed through the Tyrol; it would be necessary, before attempting it, to have made considerable progress in Swabia, and to have an army of observation opposite Strasburg, to watch the enemy. It would even be necessary to have obtained some advantages in Italy, before hazarding an attack in Switzerland. A retreat of the army in Italy towards Klagenfurt, would prevent the army in the Tyrol from joining in the operations in Switzerland. The enemy would possess themselves of the Puster-Thal, (the Puster-Thal is in the Tyrol between Brixen and Lientz, and communicates with the vale of the Adige) on the great road for our communications and conveyances to and from the Tyrol. We should be compelled to detach troops from the army in Germany for the interior defence of Austria, and not only to relinquish all offensive operations, but even to confine ourselves within the line of the Lech, or, possibly, the Inn in Germany, and there to take a defensive position, in order not to be at too great a distance from Austria, and to be ready to supply with due promptitude the assistance which might there be wanted. It follows, from all these considerations, that the war should begin with vigorous offensive operations in Italy. It is there we should act with the superior force of our army. A victory gained there would afford us the same advantages for

the prosecution of operations against France, which France would derive from our loss of a battle, in that case. It would be the interest of France to anticipate their arrival, and to secure a decisive superiority. Any delay of our troops, or the march to the Rhine, would not fail to afford Bonaparte a pretext to declare war. This observation is, to prove the necessity of a case of war with France, the first distribution of the troops, the comment on the first progress of the military operations. It must be arranged, on the spot, where the war will be begun by the Austrians. It would be requisite, that the army should begin its movement by the passage of the Adige, to prevent the enemy from the Mincio, invading the Venetian, and Peschiera, detaching a detachment to the Po to observe the south, and to open its way to the Adda, in order to surmount the blockade or siege of Mantua. Only the reduction of these places, or some such great and for which the Austrians are not to be reckoned upon, would induce the commandant of this army to push his operations farther.—The army, after passing the Inn, would enter the Tyrol, and would there await on the elements of the other armies, and on the arrival of the troops from Italy. The army in the Tyrol would be directed in its movements by those in Italy and Germany.—In the first operations against Switzerland, the troops in the Tyrol would be directed to make an attack on the Grisons, and on the small cantons; and the rest of the army, in case of the success of the first operations, to advance from its defensive position to join that army. This is all that can be accomplished by the greatest efforts, and upon the prospect of decided success, we can only hope to accomplish, till the whole of the powers of the coalition shall be united. If Italy be the grand theatre of the operation at the commencement of the war, Switzerland must become suc-

we shall have obtained successes in that quarter, and shall have advanced through Swabia. Switzerland offers to a conqueror the advantage of the shortest communication between Italy and Germany; it gives the facility of sending supplies and reinforcements with promptitude to the one or the other of these countries; and it is only through Switzerland that an entrance can be effected into France on the side of Franche Comté. It would, then, be necessary to cover ourselves on the side of Alsace, by taking Befort and Hunningen, and leaving, at the same time, a considerable body of troops in Swabia, to cover the right wing of the army in Switzerland from any attempts by the French from Strasburg, and to protect our communications, and ensure the conveyance of supplies.—The reasons have been explained, on account of which, in the general plan of operation, it is not indicated in what manner the troops of the two imperial courts might co-operate, either in union under the same standards, or by a concert in their movements. We must look forward to the case of Austria being attacked by France before the arrival of the Russians in Germany. The combination of the operations of the two courts would, then, depend upon the resolution of Prussia. And (thanks to the wise measures of the emperor Alexander!) we are soon to learn decisively how far we may or may not reckon upon Prussian co-operation, upon the neutrality of that power, or its rejection of our propositions. We shall, then, be enabled to present to the imperial court of Russia, upon the request which it has communicated, proposals for its co-operation towards the common and general object.—We may here previously submit the consideration, that the line of operation in Italy is the most remote, and that it is there the campaign must be opened with the greatest vigour; that the court of Vienna will therefore send a great army into Italy, in order to act with rapidity upon that line; and that therefore the march of the Russian troops, and their substitution for those of Austria, amidst the movements of the war in Italy, would be impossible.—As soon as we shall certainly know the result of the great and important step which his majesty the emperor of all the Russias has taken at the court of Berlin, we shall add without delay, whatever remains to be communicated farther upon the subject of the friendly propositions here explained, and upon the plan of operations for the

two courts in Germany; and shall forthwith submit it to the court of Russia.—

No. III. (B).—*Extracts from a paper intitled, "Remarks on the Plan of Operations proposed by Austria."*

The plan which the cabinet of Vienna has transmitted to that of St. Petersburg presents a new proof of the intimate confidence mutually subsisting between the two imperial courts; and if the war now undertaken to check and restrain the ambition of Bonaparte shall terminate happily, its success must be owing to the continuation of that confidence. Upon this principle we shall, without dissembling any difficulty, offer our remarks upon the plan, article by article, in order to obviate as much as possible the difficulties apprehended by the Austrian cabinet.—The plan begins with stating as a fact, "that the real forces of the French amount, upon the new organization, to 598,084 men, and with the addition of those which are at the disposal of the French govt., to 651,964 men." "The cabinet of St. Petersburg has reason to believe, that the French army is far from being complete on its new organization, in consequence of the difficulty which the French govt. has to surmount, and notwithstanding the violent means it is obliged to use, to muster the fresh conscripts, who strive, in all possible ways, to avoid the service.—Besides, though the English should be unable to effect any disembarkation on the French coast, sufficient for the prosecution of regular war within France, they may, nevertheless, occupy a considerable number of the French troops, by menacing a descent on all the accessible points; on the lower Elbe, on the Weser, on the coasts of Holland, Flanders, France, and Italy. The French, in short, must be naturally obliged to divide their strength, and distribute their forces for the defence of every assailable point of their possessions.—It follows that the French can never be in a condition to oppose so many as 500,000 men to the operations of the powers of the coalition, and that a deduction of perhaps one third of their forces may be confidently reckoned upon. The disproportion of 250,000 Austrians and 118,000 Russians to the French troops which can be brought to act against them, will therefore be less considerable than it has been supposed.—From the unfavourable calculation of the relative forces of France and the allies, which is presented in the plan of the court of Vienna, the following

conclusions have been drawn; "I. That the local advantages which France enjoys by its geographical position, whether for defence or for aggression, are such, that it is desirable to remain at peace till a more favourable conjunction of affairs."—This reasoning would be solid and just, if it were probable that any more favourable conjuncture of affairs should hereafter arise; if the court of Vienna could, in the mean while, prepare and augment its forces, and if the state of things should, in other respects, remain unaltered.—But, while Europe temporises, Bonaparte's govt. acquires every day new stability. His power increases by the subjugation and new organization of all Lombardy and Parma. The relative geographical advantages can undergo no change favourable to Austria; but, in fact, the contrary. Besides, there can be nothing more dangerous than the policy of the French govt. which has ever gained more by negotiations than by its arms. If we enumerate the battles of the last war, the French lost as many as they gained. It is always in the intervals between one great period and another, in seasons of insincere, nominal peace, that they enlarge their dominions.—We are therefore firmly persuaded, that the court of Vienna, if it would consult its own true interests, should not hesitate to renew the war as speedily as possible; and ought to make every effort to prevent Bonaparte from consolidating his power. Assured of the assistance of Russia and of England, when shall it find a conjuncture more favourable?—The second thing assumed as a conclusion in the Austrian plan, is "that, if war be inevitable, the allied courts ought to act with the most vigorous efforts of which they are capable." In this the court of Vienna has formed a just opinion. But it errs in supposing for a moment, that it would be left alone in the midst of the contest. The good faith and honour of his majesty the emperor of Russia are too well known, to admit a shadow of mistrust upon this head. Neither would the English govt. be disposed to sacrifice such immense sums of money, if its determination were not finally fixed.—After this conclusion in the plan are mentioned three things, the co-operation of which is requisite in order to bring forward those great energies which are necessary to the success of the alliance, namely, the military arrangements, the financial arrangements, and the general policy.—1. "It is stated,

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"that military efforts will be of little avail, if the Austrian army is not in the field less than 300,000 men. The court of Vienna entertain too high an opinion of the Austrian army may be time upon such a respectable alliance with Russia, and in good faith of that power, if France to oppose, and will any great necessity of main to observe Prussia.—It is very French, as soon as they shall inevitable, will put themselves and that Austria will have a first attack till the Russian But, as the Russian troops march, a body of them must immediately, which shall advance marches to assist in the provinces hereditary dominions of the Austria, and to arrest the first the torrent.—2. The finances mentioned in the plan. The difficulty to them, must be in a great measure relieved by the subsidy from England. It is certainly to be expected as in what regards the complete army, the court of Vienna will employ all its means and resources. A contingent of Russia would be, 115,000 men, deducting 20,000 of the kingdom of Naples. There would be 90,000 to act in Germany, which would be conveniently formed into two divisions of 50,000 men to assemble on the frontier of Galicia opposite to Lemberg, and of 40,000 to assemble along the frontier opposite Lublin.—The first of these divisions, upon the first appearance of hostilities, detach the column nearest the Danube, to assist in opposing the attempts of the French upon the dominions in Germany, when they arrived in the vicinity of Ratisbona. The subsequent movements would be determined by the condition of the Austrian army. The rest of the Russian army would be immediately, in order to react with the smallest possible force.—The other army would march towards Cracow.—It were to be wished that we should know what routes the Austrian army would particularly desire, and what two armies should take. In the event of a march, it should be respectively guarded, that they may not meet.

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The Prussian Army, as we have seen, is a very powerful one, and its organization is very complete. It is divided into three main branches: the Infantry, the Cavalry, and the Artillery. The Infantry is the largest branch, and is divided into three regiments. The Cavalry is divided into two regiments, and the Artillery into three regiments. The Prussian Army is very well equipped, and its officers are very well trained. It is a very powerful force, and it is very well organized. It is a very well equipped force, and it is very well organized. It is a very well equipped force, and it is very well organized.

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THE PRUSSIAN ARMY

1. The Prussian Army is a very powerful force, and it is very well organized. It is a very well equipped force, and it is very well organized. It is a very well equipped force, and it is very well organized.

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Gen.

Asks that this first Russian army might, these circumstances should require it, take a different line of march, either towards Germany, or to some other point of the frontiers of Germany. N. B. gen. Wintzingerode added, that the commanding officer of the army would be directed to adopt any line of march, which might be pointed out to him by his imp. and royal maj. him- or by H. R. H. the archduke Charles.

To determine the relations between the commanding officer of this army and the imperial and royal commander in chief, he requested that the instructions given to the commander of the Russian forces should be communicated to the Austrian commander in chief. N. B. gen. Wintzingerode flatters himself, that in the case of absence or illness of his imp. and royal majesty, or of H. R. H. the archduke Charles, his imp. maj. of Russia would consent to place his army under the general direction of the Austrian commander in chief *pro tempore*, with this condition, nevertheless, that such Austrian commander in chief should be an archduke, and that orders proceeding from him should be issued in the name of his imp. and royal maj. or in that of H. R. H. the archduke Charles.

To agree and determine on the manner in which the combined armies shall mutually appoint a general plenipotentiary to reside at their respective head-quar-

the Inn on the 20th of October.
7. Agreed to.

8. General Wintzingerode hopes that his imperial majesty will take the advantage of the cause, by placing the Russian army under the general command of the imperial and royal commander in chief, as far as the unity and combinations may render it necessary; however, he considers himself obliged to give this assurance, but on the condition that the imperial and royal majesty of Germany would be under the command of his royal highness the archduke Charles, his imperial and royal majesty.

9. The appointment of a general plenipotentiary is deemed necessary. They agreed to maintain a good understanding between the two armies, to

11. On the mode of furnishing the Russian army with ammunition for their guns, and how the inconveniences are to be obviated respecting the difference of calibre.

12. What measures will be adopted for recruiting the Russian army in Germany.

In addition to the twelve points above discussed, the Austrian generals were instructed to concert measures respecting the 2d army destined to act in Germany, as well as the body of Russians at Corfu, destined to be disembarked in Italy.—On the first article, gen. Wintzingerode declared, that he had no doubt but that his imp. maj. would give orders for this 2d army, which was stationed near Bryecz, to begin its march 5 days later than the other, so that on the 20th August it would pass near Theresopol, on the frontiers of Austrian Galicia : but, as this army, together with that on its right wing, which is destined to move forward from Lithuania towards the frontiers of Prussia, is intended, in the first instance, chiefly for the purpose of making demonstrations against Prussia, it becomes impossible to fix any thing more decisive, as to the line of its march, than that in the case of Prussia consenting thereto immediately, it should take the direction of Warsaw, thence to continue its march by Prussian Silesia into Bohemia, or Saxony ; but in case this should not be practicable, it should proceed towards Pulawy. On this last supposition it becomes equally difficult to decide when this army will enter Germany and join the first Russian army : and gen. Wintzingerode can do no more than give his assurance, that his imperial master will endeavour (as soon as his relations with Prussia and Saxony will permit) to cause this second army to enter Germany, either by the direct road of Prussian Silesia, or by way of Dresden, (should this last step be rendered necessary by his relations with Saxony, to be regulated by a preliminary concert with Austria), or by way of Prague, in each of these two cases,

return to St. Petersburg, a general or a staff officer of the artillery should be sent to Vienna to concert measures on this subject with the Austrian department of artillery

11. These will be arranged in the way proposed in the former article.

12. Besides the garrison battalions which are stationed on the Russian frontier, the regiments whereof are to be completed, baron de Wintzingerode hopes that his imp. maj. will be disposed to establish in Germany, at some distance from the army, a corps de reserve, in the proportion of 8 or 10, to 100.

however, this army will then direct its march to the left, towards the Danube ; or perhaps in the whole, or in part, towards the Main, should circumstances require it.—With respect to the destination of this 2d army, a wish was expressed on the part of Austria, that the emperor of Russia, as soon as it shall have joined the right wing of the first army, would place the commanding officer of the same under the orders of the commanding officer of the first, in order that this last may be able to employ the forces of the other in the execution of any orders he may have received from the commander in chief of the Austrian army.—This determination becomes highly important from the consideration that this army, even should it be joined by a Prussian army, and by a considerable number of troops of the empire, will never be in a state to act offensively beyond the Rhine, from Basle to the lower Rhine, and particularly against Mentz.—For should even this body of troops become as numerous as is to be wished, the loss of one battle must be always considered as very possible, and the consequence of this might be the defeat or destruction of the whole army, without the possession of any means of defence beyond the Rhine, and having no other retreat than the bridges over the river. It were better on the other hand to consider the whole extent of country along the upper and lower Rhine as impregnable ; and the whole united force of the two Russian armies and of the Austrian army will be better employed in the conquest of Switzerland, in the hopes of being able to penetrate through that country into France ; and no other part of the second army, which is to form the right wing of the combined

eed be employed on the lower Rhine corps of observation, to preventursions that might be attempted byemy. The extent of these diversmust regulate the force of this corpservation, which in general may contain a *Corps Volant* of a few thousand for the purpose of guarding the river as Mentz, and the left bank of the whilst the Russian and Prussian together with those of their allies in lower Germany, in the first in-against Hanover, and then againstd, would have to observe the sameith respect to the line between them right bank of the Main; so that two corps volans shall assist and keep communication with one another. al Wintzingerode has declared that he doubt that his imperial majesty willccede to the whole of the above im- t proposition.—With respect to the n troops at Corfou, gen. Wintzingeas had no instructions: but he isent that it is the intention of his im- majesty to land them in the king- of Naples, immediately after the com- ment of hostilities, and that the Razoumofsky has already been au- ded to forward these orders, immedi- on the application of the court of a, to general Lascy, commander in at Corfou, who would communicate ne to the commander in chief of the English troops at Malta. That these were in constant readiness to em- and that they would likewise be lan- the kingdom of Naples.—In pursu- of these sentiments of his imperial t would be advisable that the count mofsky should without loss of time, unicate such orders to general Lascy, er that, as soon as he should receive the Austrian general advices of the encement of hostilities in the north ly, he should instantly embark his , land them in the kingdom of Na- unite them to the Neapolitans and h, and begin to act offensively against oops of the enemy stationed in that ry.—General Wintzingerode added, e would not fail to represent the se- important reasons advanced on the f Austria, for recommending that ge- Lascy should be ordered to pursue the , on his retreat from lower Italy with ole of the troops at his disposal, to our to form a junction with the an army, and as soon as that shall be

effected, to assist, with the politans, and English under operations of the grand Aus- cording to the plan of the chief.—After due considera both sides deemed too hazar a disembarkation from Corf- dom of Naples before the of hostilities, as such a me- terfere with the negociati- and as the circumstance al- Russians being at Corfou, English troops at Malta, b- readiness to embark, is suff- the French army which is in Naples, and to prevent the detachment, to reinforce the of Italy. The Austrian gene- sed other points principally nomical arrangements, on w- ded: 1. With respect to the the first Russian army. Au- supply it, from the 16th of with bread, meat, and for the two first days subsequen- ing the frontier, that is, the of Aug. each column shoul- with its necessaries from it- ters; as no preliminary me- taken for this effect by A- disclosing the secret: that, der of the march, arrange- made for supplying the tro- with whatever is necessary t- tence.—An office for the co- counts is to be established a- the day on which the troo- Galicia, at the expiration (and it has been arranged th- should be sent to Vienna, fi- part of Russia with full pow- remain there for this object expenses for each month sha- in the space of 3 months. : ments for the maintenance army, are agreed upon in th- 3. As soon as the Russian a- entered Bavaria, they shall p- own subsistence. 4. It is soon as the two armies shal- territory, the requisitions fi- tence shall be made and a- the general direction for p- army in Austria. All parts- empire belonging to the ho- shall be exempted from R- tions. 5. If in the case o- combined army should be i- retreat into the hereditary d-

tria shall provide for the maintenance of the Russian troops, but the reimbursements shall be made every three months. 6. On the return of the Russian troops after the peace, they shall be maintained on the same principles. 7. At the request of gen. Wintzingerode, a promise is made to him, that 2 or 3 Austrian regiments of light horse shall be attached to the Russian army, to furnish the advanced posts; and that, if possible, some horse artillery would be added to them. This measure is deemed particularly requisite in the beginning of the campaign, while the Russians are ignorant of the language of the country. 8. The mutual surrender, from the 11th of next August, of the deserters of both armies, of whatever nation they may be, together with all their baggage, horses, &c. 9. The 4 regiments of dragoons attached to the first army, shall receive at Brünn, or at Lintz, a reimbursement of dragoon swords, to the amount of about 3000. It is moreover agreed, that all other objects which have not been discussed in this protocol, and which may hereafter require to be determined upon, shall be in all cases explained with a friendly confidence on both sides. Vienna, 16th July 1805. (Signed) Prince de SCHWARZENBERG. Baron de MACK. Baron de COLLEMBACH. Baron de WINTZINGERODE.

No. III. (D.) (Translation.) *Copy of a Dispatch from the Count de Razoumoffsky, dated at Vienna the 29th April (11 May) 1805.*

Since the creation of the council of war, I have this day to mention its first meeting, which, directed to other details than those of the administration, at length presents an object worthy of attention. The conferences took place in the presence of his majesty the emperor on Monday and Tuesday last. The committee was composed of the two archdukes Charles and John, the president and vice-president of the council, and quarter-master-general Mack. The question submitted to their deliberation turned on the prodigious increase of the French forces in Italy; on the imminent danger which thence resulted to the frontiers of the hereditary states; on the rapidity with which, from the first hostile determination of Bonaparte, they would be attacked; and on the absolute impossibility of resistance. This situation was deliberately considered, and it was unanimously decided, even with the consent of the archduke Charles, that it was necessary to rein-

force the troops in that quarter. This point being settled, the necessary details will be arranged in consequence; and I lose no time in forwarding to you the most important of their resolutions.

(Translation.) *Extract from a Memoir on the Situation of Affairs. Communicated by Count Starhemberg.*

Never were hopes, founded on the most salutary views and plans, destroyed by a more fatal blow, than the disastrous reverse which our army in Germany has experienced by a concurrence of unfortunate circumstances, the consequence of a single fault.—The simultaneous co-operation of the two imperial courts of England and Prussia should have offered, at the commencement of the war, a chain of armed forces from the north to the south, and should have obliged France, by mutual diversions, to separate hers. It was our first misfortune, that none of the hopes we had placed in diversions on the north of the continent, which might have obliged the emperor of the French to divide the troops that he had withdrawn from his coasts, were realised; and not only all these troops were able to be employed against our army in Germany, but even the Gallo-Batavian army and that of Bernadotte could quit Holland and Hanover also, without impediment, to join in the attack. It is to this circumstance that the French troops which were opposed to ours, owe the superiority of their numbers; for, deducting these two armies, the troops arrived from the interior in the course of the month of Oct. have but little exceeded the number of Austrian troops placed on the Iller, where, in the strong position which they occupied, they would have been able to await the junction of the first army of his maj. the emperor of Russia. There was even a moment when they had the hope of preventing the junction of the French troops from the north with those arrived from the interior of France, by falling on a party of the latter; when, as a second misfortune, the violation of the Prussian neutrality suddenly changed the face of affairs and reduced our German army to the alternative, either to fall back immediately on the Inn, or see itself surrounded and destroyed. The retreat on the Inn should have prevented every disagreeable consequence. Joined to the body of the army under the general in chief de Kutusow, these troops would have been sufficient to resist the limited French forces; the subsequent arri-

val of the second Russian army, and, finally, the development of other measures of the coalition, might have procured to the allied troops that superiority of force which had been absolutely depended on in the mutual engagements. Through the inconceivable fault of a general chosen for a reputation gained by former successes, the army of Germany remained on the Iller; and in the course of a few days, without having been beaten, after some slight actions in which it had rather the advantage than the disadvantage, the greater part of the army was taken, and the remainder dispersed. All the following misfortunes were the inevitable consequences of this disaster.—The united French forces in Germany alone exceeding, without the allied troops, 110 thousand men, advanced against the Austro-Russian troops posted on the Inn, which amounted to little more than the half of that number. To expose these troops to a regular combat against a force double their number, would have been to risk the ruin of them before the arrival of the second army of his maj. the emperor of Russia; it would have been to commit the same fault that had just lost our army of Germany. On the contrary, to preserve the first Russian army entire until the arrival of the second, became the principal object of the dispositions which were concerted by his maj. in person with the general in chief Kutusow.—To complete our disappointments, the arrival of the second Russian army was delayed more than a month by the first armaments which the court of Berlin threatened to oppose to those of the court of Petersburg. The troops therefore, under generals de Merveldt and Kutusow, unable to maintain a position on the Inn or in any other part of Austria, were obliged to fall back upon Moravia. The inevitable consequence of this movement was the progressive advance of the enemy in upper and lower Austria. Having reached the last bridge on the Danube above Vienna, near Krems, the Russian army had no other alternative than to pass it, in order to avoid being cut off from the left bank and from the route into Moravia. From that moment the fate of the capital of Austria was decided, considering the impossibility of defending it within the walls, unless the time necessary for the arrival of reinforcements could be gained by means of an armistice for a very short period. Many reasons concurred to render his majesty desirous of saving his

capital by such an armistice determined to send lieutenant count de Giulay to the emperor to propose it. The negotiation had no effect.—Vienna was occupied by the French; and his maj. the emperor, at the sacrifice of his capital, at least assured to the first Russian army of forming a junction with the second, to this effect he gave the most positive orders that the great bridge in front of the city should be destroyed, where a few days march would have been sufficient for the general in chief Kutusoff. The emperor, however, deceived by the promise that this charge was intrusted, by the emperor, with falsehood that peace was just concluded between Austria and France, prevented the demolition of the bridge. This cruel incident exposed the Russian army to the most imminent danger, being surrounded and destroyed, could join the army of general Kutusow, as well as a corps of 10,000 men that had retreated from Vienna. This misfortune happened, though the end of the war would have been hastened, if possible. The destruction of the army of his maj. the emperor would have infallibly led to the fall of the second, and of every subsequent army, successively and separately, by the great forces which Napoleon assembled in Austria; while the emperor, commanded by his highness the emperor Charles in Italy, must also have been ruined by these forces united at Massena. In a word, the destruction of the Austrian army was critical, that had there been no other means of preventing it, his maj. the emperor would have been obliged to sign a peace, unfavourable indeed to Austria, but inevitable, from motives which have been but too justifiable in the eyes of his allies. The impossibility of continuing the war; the necessity of saving the monarchy; the interests of the rest of Europe, and even of Austria, required him to insure the existence of the Austrian monarchy, rather than to engage in a war from which nothing could be expected but an issue still more unfavourable. In short, the sacred duties by which his maj. was bound to his noble and faithful subjects, and the emperor Alexander; duties shared with every well-disposed monarch, and which imposed upon him the duty of preferring every sacrifice to the preservation of his empire (as certain as it was just)

brave and well-appointed armies which Russia was pouring forth to his assistance.—In this extremity, his maj. did not hesitate to enter into new explanations with the emperor Napoleon, and to propose to open negotiations with him for peace, as soon as measures to this effect might be concerted with the emperor Alexander, whom his maj. expected immediately to see in person.—But happily, these dangers and necessities are no more. Generals Kutusow and Buxhöfden have surmounted the difficulties which threatened to prevent the seasonable junction of the forces under their command. The mission of the Austrian envoys has been accompanied with the resumption of active hostilities. On the 27th of November, the day after they quitted the camp, the combined armies concentrated in the environs of Olmütz, consisting of the first and second Russian armies, with a body of 20,000 Austrians, comprehending also for their rear guard the imperial life guards 10,000 strong, and making in all an effective strength of 80,000 fighting men, advanced towards the enemy. On the 28th they had reached Wischaw, and had taken, in that city and its environs, more than 600 prisoners. On the 29th and 30th, they continued their march to Austerlitz, on the way to Nikolsburg.

(Translation.) *Austrian Declaration.*

The court of Vienna has no hesitation to comply with the request of the emperor of the French, for a categorical explanation of their intentions, and of the motives for which they are arming.—The court of Vienna have no other intentions than to preserve peace and the relations of amity with France, as well as the general tranquillity of the continent. They have no other wish than to be assured that the intentions of the emperor Napoleon correspond with theirs.—But the maintenance of peace between two powers does not merely consist in abstaining from positive hostilities: it consists, with equal importance, in the due execution of the treaties by which that peace is established. The power that violates those treaties in essential points, and which refuses to satisfy just claims, is as much the aggressor as if it attacked the other without a colour of justice.—The peace between Austria and France rests on the treaty of Luneville, one of the conditions of which treaty stipulates and guarantees the independence of the Italian republics, as well as of the Helvetian and Batavian republic, and ensures to them the liberty

to choose their attempt to force of a government, otherwise than and in a manner their absolute ; a violation of the Austria is entitled redress.—The w amity, to allay e serve the public danger, may, in delicate circumstances, plaining party to spection and mo dress, and to p future negociatic friendship cannot regard the condi power who, afte avoids every expl ciate, and mena conciliate, equally of friendship and t For the preserv quillity, each stat within its own lin rights and indep strong as well as is endangered w to itself rights of c of influence, cou law of nations, no power speaks of th the peace which rights; when she ror to dictate law oblige them to ass to her own, or t ances, concessio and of incorporat that her dignity founded represent publications attack cession; finally, t into the sole arbi the common inter at excluding othe in the maintain quillity and equil cause they are too an arm of the sea continent; meeting powers nearest to answers, with asse frontiers, with m they assume a And this is then the other states

r; and if necessary to unite for the preservation of their own, and the public good.—Thus is it, that the armaments of the court of Vienna have been gradually diminished, as well by the armaments of France, as by the inefficiency of conciliatory measures, towards the sure maintenance of a real peace, and of future tranquillity.—All Europe has recognized the sincerity of the pacific dispositions of his majesty the emperor, in his exact fulfilment of the conditions of the treaty of Luneville, his great condescension relative to the attitude assumed in opposition to his intentions upon the execution of this treaty in many, in the moderation which he displayed in no less a degree, concerning the first deviations of the French republic from the same treaty, as applied to her states.—Attributing these deviations to the necessity of securing from all foreign interruption the developement of the plan proposed for the re-establishment of the monarchical govt. in France, his maj. did not scruple to recognize the state of things established in Italy towards the end of the year 1802. Confidence in the views of his maj. the first consul, the engagements entered into by that person with respect to the new French republic, in relation to the temporary duration of his presidency, the published solemn assurances which accompanied and followed his elevation to the imperial dignity, of his disinclination to all attempts of aggrandizement, and to all attempts to disturb the independence of the Italian seats; in short, the subsisting engagements on his part, towards the sovereigns of Russia, particularly relating to compensations to be made to the king of Sardinia, and to a general arrangement of the affairs of Italy, all these motives have served to excite and to cherish in the mind of his maj. the hope that the consolidation of the new French empire would in a short time bring back the policy and the measures of their govt. to a standard compatible with the balance and the safety of Europe. And, when some time afterwards the first report of approaching revolutions in the states of Lombardy, induced the ambassador of the court of Vienna at Paris to demand explanations upon that point, his maj. was still further confirmed in his hopes, by the official assurance given in the name of the emperor Napoleon, that the Italian republics should be united to France, and that no interruption should be made, in any degree affecting

their political independence. Europe must judge whether these assurances have been fulfilled. The emperor ceased to claim that fulfilment, as proved by the correspondence which follows between the two sovereigns; the official and ostensible representation of the ambassador count Philip Stadion was directed to make; and, the measures by which the emperor Napoleon communicated to his maj. his project of the establishment of a kingdom of Italy, accompanied by threats and promises, though every thing from that quarter betrayed what the event has since shown, that the French emperor was determined to maintain his innovations by force, less his maj. has never recognized the arrangements which were daily announced to be provisional and temporary arrangements, his maj. confined himself to repelling certain charges, which he used as a pretext to justify the threats, and to show his hopes, that the principle of separation and independence sanctioned by the treaty, would be maintained by definitive arrangements, which his maj. the emperor Napoleon had declared were upon future negotiations with the emperor of Russia at Petersburg and London, at the time of the re-establishment of peace. Negotiations were indeed the only hope which his maj. still preserved, by continuing his conciliatory measures, to secure peace on a firm basis, and of a long length tranquillity to Europe, alarmed through every part of the south by enterprises, the number and extent of which were every moment increasing. His majesty the emperor Napoleon the French had made the first overture to a reconciliation with the king of Sardinia without, however, in any degree, betraying his intention of excluding them from the right of interfering in the important concerns of the continent. A restriction, joined to the relations which existed between himself and the emperor of Russia, induced his Britannic maj. to have recourse to the mediation of the emperor of Russia, who, notwithstanding the interruption of his official course with France, did not hesitate to interpose his good offices, to serve as a mediator, and to send a commissioner to the presence of the emperor of France. But the hope founded upon these pacific proceedings speedily failed; fresh blows were struck, and

political existence of other independent states of Italy, at the moment when the French govt. were sending to the Russian negociator the passport demanded for his journey to France. The emperor Alexander from that time conceived himself obliged to consider his mediation as rejected. On the other side, the French armies were suddenly assembled in Italy, notwithstanding the promise of making no armament in that country; a camp of 30,000 men, collected in the plain of Marengo, was followed by another camp of 40,000, which was formed on the frontiers of the Tyrol, and of the Venetian provinces of Austria. His maj. then found himself compelled to provide effectually for his own safety. He then felt convinced, that the sentiments of peace, friendship, and moderation which he had professed, met with no such return on the part of the French emperor, as to allow him to neglect any longer the adoption of measures necessary for the defence of his rights and the maintenance of the dignity of his empire:—Such is the cause of his present armaments. But the same sentiments, which have created such an anxiety in his maj.'s mind to avoid putting these measures into execution, have likewise actuated him in fixing the object to which they are pointed.—The emperor arms with no hostile views. He does not arm to make a diversion for the expedition against England, which cannot be supposed to have been delayed during two years until the very moment when France had provoked Austria and Russia by aggressions in no way authorized by the war with Great Britain: he arms for the preservation of the peace which subsists between him and France, for the maintenance of the conditions of that peace, without which the peace would be illusory; to bring about an equitable arrangement to which the moderation of all the powers interested in it may contribute, and which is likely to ensure the equilibrium and permanent tranquillity of Europe.—The measures by which his majesty has invited the principal courts interested in the renewal of the negotiations which have been broken off, were directed to this object. The unexpected refusal with which his interposition has been met by his maj. the emperor of the French, does not deter him from repeating it.—His maj. has been more fortunate with the emperor Alexander. This sovereign, who so gloriously fills a distinguished station among the powers of Europe, the equilibrium and

welfare of which are the constant object of his cares, manifests, in the annexed answer which his maj. has just received, an equal desire to contribute to the conclusion of a just and moderate arrangement. He is equally convinced of the necessity of arming eventually, and is necessitated by that very distance, which is alledged, for the purpose of contesting the right and importance of his mediation, to advance a part of his armies, with a view to ensure to his intervention all the weight and efficiency worthy of so great a potentate.—To sum up the proofs of the sincerity of the two imperial courts of Austria and Russia, the following declaration is announced in their joint names: “That they are ready to negotiate with the court of France for the maintenance of the peace of the continent on the most moderate terms which are compatible with the general tranquillity and safety. That whatever should be the issue of the negotiation, and should war become inevitable, they are mutually bound to each other, to abstain from every attempt to interfere in the internal affairs of France; to disclaim all thought of altering the state of property and connexions, as they are now legitimately established in the German empire, to propose no assumption of the rights and interests of the Ottoman porte; but that on the contrary, they are ready to defend to the utmost of their means the security and integrity of the Turkish dominions. Lastly, That Great Britain has made a profession of sentiments perfectly analogous to theirs, and of a disposition equally moderate for the re-establishment of peace with France.”—His maj. hopes that the plain and liberal explanations which he has now made, will be well calculated to dissipate the doubts which might exist on the part of the emperor Napoleon, respecting the intentions and motives by which his maj. is guided; and every wish of his heart will be gratified if these explanations should contribute to prevent the misfortunes from which no endeavour of his has been wanting to save mankind.

(Translation.) *Answer of the French Government to the Declaration of Austria, dated Paris, 13th Aug. 1805.*

The undersigned having, at the close of the conversation he had the honour to hold with count Cobentzl, instantly transmitted to Boulougne the declaration communicated to him by his exc., has received the commands of the emperor and king, to

Give the following reply:—The emperor could not but be sensibly affected by the sentiments of moderation which are manifested in the declaration above mentioned, and by the friendly dispositions which incline his maj. the emperor of Germany and Austria to desire to hasten, by his intervention, the termination of those evils which war occasions to France. But, the more importance and estimation his majesty attaches to the good offices of his maj. the emperor of Germany and Austria, the more his gratitude for the intention with which they are offered, so much the more does he feel, that even gratitude forbids him to avail himself of them, while, by the nature of things, or by the circumstances of the case, it is impossible to hope that they should be employed with effect, or, consequently, without impairing, in some manner, the dignity of the mediating power. This consideration would be decisive with his majesty, though it were even possible for him to forget what return the courts of London and St. Petersburg have recently made to the noblest and most generous steps he could take towards them.—M. de Novossilzoff was on his way to France with intentions not previously communicated to the emperor. The king of Prussia had asked passports for him, which were delivered immediately, and without explanation. What advantage has his maj. derived from this extreme deference? an offensive note, full of false assertions, has been the only result of a mission which the emperor neither called nor wished for.—Thus insulted in his honour, he can no longer desire nor expect any thing from Russia; which besides, far from wishing peace, founds her interest in war; and, upon the renewal of that, founds hopes, which she in vain attempts to dissemble, while her conduct, in every part, reveals the truth even to the most careless observation.—For a twelvemonth past, the emperor has received only insults from the Russian cabinet; his character and sentiments are too well known to leave it to be supposed that he will now subject himself to the renewal of those insults. It is for the emperor Alexander to judge, which may be the most to his satisfaction, to persevere in the system which suggestions from abroad have moved him to embrace, or to resume sentiments wiser, more moderate, and more just. It is more his own interest to return to such sentiments, than it is the interest of France to recall him to them.

The change must be the fruit of reflections: it is not to be solicited.—As to England, his maj. since, made pressing application for peace, which Europe did estimate justly, and which would have proved ineffectual, if England had relied on her own resources only. The reply of the cabinet of St. Petersburg became evident, that it would be peace till all hopes were lost of a war upon the continent, for the making Italy and Germany a scene of blood and carnage. It is in this view alone, that England has solicited the intervention of Russia. The court of Vienna is too enlightened not to be sensible of this, even though the motives of England had not been known by the solicitations and subsidies with which she has incited the court of Vienna, in order to induce the Austrian govt. again to take up arms. It is not such a power that will be able to persuade to relish the consideration and justice. It would be vain to address her on the subject of her own true interests. Blind passion has led her to misapprehend them, and persuasion could have no power over her. But, what the good offices of Austria cannot obtain from England, Austria cannot have extorted. For this, she must either menaces or arms, but she cannot have either without an upright conduct, that shall make her feel her insignificance.—England knows, and has more than once proved, that Russia alone can give her assistance; and that without the mediation of Prussia and Austria, it would be of any use.—Prussia knows that she will at no time, nor enter into any hostile design against France. Let the emperor of Austria make a declaration, and the British will be coming sensible of their true position, and regard to which there will be no illusion to deceive her, and the opinion of the most enlightened country, will see the necessity of adhering to the stipulations of the treaty, and will be fortunate even in this. Then the emperor of Germany will not only have acquired a right title to the gratitude of the emperor of Austria, but will also have done more for his own interest, than if he had gained a victory against France; for, an immediate conclusion of the peace will be the

of the engagement which his maj. the emperor of the French has come under, and which he now with pleasure renews, to separate the crowns of France and Italy.—If, on the contrary, Austria, by indecisive measures, leave opinion to fluctuate in doubt and uncertainty; if she thus give authority to the assertions of the English ministry, which says that she has been forced into a coalition; if she persist in maintaining 72,000 men in Italy; then the emperor cannot but think that she sees with secret joy a war that weakens France, and that she judges this to be a favourable moment for the renewal of hostilities, which must be unwelcome to the present generation.—His maj., who has not more than 50,000 men in Italy, and 15,000 of these at the extremity of the kingdom of Naples, seeing his most important frontier in danger, and being unable to cover it without drawing troops from his army of the ocean, cannot, in this case, regard Austria otherwise than as making a diversion in favour of England, not less effective, nor to him less prejudicial than if it were made by open war.—His exc. count Cobentzl cannot have failed to observe the grand and extraordinary character of the present crisis; circumstances like the present demand a corresponding energy of measures. This is a truth felt by all men, and with the sense of which his maj. is deeply penetrated. Frederic II. when he saw that his enemies were preparing for war against him, took care to prevent them; more than once the house of Austria has done as much. The emperor of the French now sees preparations in Poland and other preparations in Italy. The places where these are made indicate, both that they are the result of a combination, and against whom they are directed. The undersigned must therefore ask count Cobentzl, what the emperor of Germany would do if he stood in the situation of the emperor of the French?—However the emperor is willing to hope the best, for the future, which it depends on Austria to render happy for Europe; while he regards, as a presage of her discreet conduct, the sentiments which are expressed in the note received by the undersigned from count Cobentzl. Let Austria make the same declaration as Prussia; and let her confirm it, by reducing her troops, and every effective part of her army, to the peace establishment: let her cease to keep 72,000 men in Italy; let her again disperse in garrisons the regiments

which are embodied in the Tyrol; let her cease from forming magazines, and from constructing field-fortifications, which evince that war is imminent: then nothing will remain to disturb the peace of the continent; that peace so desirable to all! For, if France have nothing to gain by a new contest, as little has Austria to gain by it: and a maritime peace must very soon follow, when Austria shall have declared that she remains, and is determined to remain neutral. Peace must then become the desire and hope of England. Before the month of January, such a peace will be concluded, and the treaty of Amiens will be re-established. The crowns of France and Italy will, then, be for ever separated. Europe, enjoying security and repose, will owe these blessings to the wisdom of Austria, which, by an opposite conduct, would have precipitated it into a state of things which neither the cabinet of the Thuilleries, nor that of Vienna, nor any other, can estimate or foresee.—His exc. count Cobentzl will feel, that in these communications which the undersigned has been commanded to make, it was impossible for his maj. to evince more remarkable frankness, greatness, or generosity of mind.—It is for the interests of Austria herself, and for the glory of her sovereign, that the emperor of the French desires that his maj. the emperor of Germany and Austria should avail himself of the opportunity which now offers. He has now in his hands both the destiny of his own dominions and that of Europe. In the one he holds troubles and the subversion of states; in the other a general peace: impartial neutrality will give him all that he desires for himself, and will enable him to ensure the peace of the world. The most effectual mediation that Austria can employ for a peace is, to observe the most perfect neutrality; not to arm, nor oblige France to make any diversion; not to allow to England any hope of engaging her in an offensive alliance.—The undersigned cannot doubt but his exc. count Cobentzl will duly appreciate the considerations explained in the present note, and will contribute, with his influence, to procure them to be regarded in their true light, (Signed) CH. MAU-
TALLEYRAND.

(Translation.) *Note of C. M. Talleyrand, dated Paris, the 16th Aug. 1805.*

His maj. the emperor had yielded with so much the more confidence to the pacific and amicable protestations of Austria, #

he was convinced that he might reckon on favourable sentiments on the part of that power. After the manner in which he has conducted himself towards her, after two years in which the greatest part of the possessions of Austria had been conquered by his arms, wholly occupied by the war which England had waged against him, he hoped that giving no cause of complaint to Austria, Austria would maintain the most faithful and most impartial neutrality. But the movements of troops and other hostile dispositions which are evinced in the hereditary states, and at which Europe is uneasy and astonished, oblige his maj. the emperor to demand not only a categorical but also an immediate explanation.—The repeated intelligence which the emperor receives from all quarters, obliges him to suspend his projects against England. Thus Austria has done as much as if she had commenced hostilities; for which she has made in favour of England the most formidable diversion.—Austria is collecting an army in the Tyrol, whilst France has evacuated the whole of Switzerland. His exc. the count de Cobentzl knows very well that Austria has 72,000 men in Italy, where France has but 50,000; of which 5,000 are on the gulph of Tarentum; and it is this principally which has determined the emperor to suspend his projects. Austria is every where raising fortifications, as if war were declared, or unavoidable; all the troops of Austria are in motion; all have quitted their garrisons; all are marching in a direction which announces war. And how indeed could his maj. the emperor of Germany and of Austria assemble, with a pacific intention, so many regiments in such a country as the Tyrol; a country so barren and so poor, where he cannot maintain them without injuring his finances? Why should he form magazines? Why should he bake biscuits? Why should he put in requisition so many horses and waggons? It is the common law of Europe, that every power ought to consider the assembling of troops, the formation of magazines, the baking of biscuits, levies of horses for waggons, as a declaration of war; particularly when such preparations are made on the unguarded frontiers of a power else where occupied on an opposite and distant frontier. His maj., who would wish to conciliate such dispositions with the expressions of peace of his maj. the emperor of Germany, in which he has always placed an entire confidence, cannot do so

without supposing that that monarch is ignorant of the injury he does and that the diversion which he makes is equivalent to real hostility. His maj. is seduced with the persuasion that he is ignorant of it; but the natural course of such an error being no less to France than measures decided by his maj. is not less to prevent them.—Protestations no longer restore his confidence: he will admit of no intermediate states between those of war and peace. If he desires peace, every thing must be done for the peace establishment. If Austria declares war, nothing will remain but to throw on the aggressor the evils which he will draw down on the present generation, his maj. may say it with pride) states and on his own family; he flatters himself, that he shall in a new war the same successes; wars; and that he shall place the future, in security, against the insensations which are as it were a foundation towards a coalition in favour of Austria. The undersigned is therefore to demand, in the pleasing supposition that Austria is really desirous of peace, the 21 regiments which have been withdrawn into the German Tyrol as Italian Tyrol, shall be withdrawn; no troops shall remain in either of these provinces but those which were there six months ago. 2. That the field be suspended, not that the emperor that Austria shall not raise regulations; the right of raising troops to every state, and prudence on the part of the duty of princes; but as certainly not a fortified town, which are actually carrying on merely field works. 3. That the provinces which are in Styria, in Carinthia, in Frioul, and in the Venetian territory, be reduced to the number of six months ago. And lastly, that Austria shall declare her firm and constant intention to preserve a strict and impartial neutrality, without taking part in the present differences; since it is the wish of Austria, if she wishes to preserve her neutrality, to do nothing directly or indirectly in favour of England.—The undersigned is at the same time to declare to his exc. the count de Cobentzl, or rather to repeat to him a declaration already so frequently

laurel in the crown of a great sovereign, shall consent to conditions of peace which shall not require the sacrifice of the national honour and the independence of a great state. By the express command of his imperial and royal maj. (Signed)
JOSEPH BARON DE SUMMERAU.

THE TWELFTH REPORT OF THE COMMISSIONERS OF NAVAL ENQUIRY.—ORDERED TO BE PRINTED, 22d JANUARY, 1806.

PURCHASES OF HEMP, MASTS, AND FIR TIMBER, ON COMMISSION, BY MR. ANDREW LINDEGREN, FOR THE SERVICE OF HIS MAJESTY'S NAVY; FROM 1795 TO 1799. — TRANSFER OF CONTRACTS. — AND ALSO, OBSERVATIONS, BY WAY OF SUPPLEMENT TO THE FIRST REPORT OF THE COMMISSIONERS OF NAVAL ENQUIRY, ON THE MEMORIAL OF THE PRINCIPAL OFFICERS AND COMMISSIONERS OF HIS MAJESTY'S NAVY, IN ANSWER TO THAT REPORT.

The Twelfth Report of the Commissioners appointed by an act of the 43d Year of His Majesty's Reign, intituled,—“An Act for appointing Commissioners to enquire and examine into any Irregularities, Frauds, or Abuses, which are or have been practised by Persons employed in the several Naval Departments therein mentioned, and in the Business of Prize Agency, and to report such Observations as shall occur to them for preventing such Irregularities, Frauds, and Abuses, and for the better conducting and managing the Business of the said Departments, and of Prize Agency, in future;” continued and amended by an Act of the 45th year of the present King, chapter the 46th.

PURCHASES OF HEMP, MASTS, AND FIR TIMBER, ON COMMISSION, BY MR. ANDREW LINDEGREN, FOR THE SERVICE OF HIS MAJESTY'S NAVY; FROM 1795 TO 1799.

IN our Ninth Report on the subject of the receipt and issue of stores in his majesty's Dock Yard at Plymouth, we stated, (see vol. III. p. 1120) on the authority of the evidence of the clerk of the rope yard and master rope-maker, that much of the Hemp delivered there by persons employed by the navy board, during

the late war, to purchase that article on commission, was damaged, and of so inferior a quality, that it would not have been received from contractors. The evidence on which this assertion was made, is contained in the Appendix to that report; and we found this opinion of the officers was communicated to the navy board in their official reports upon the quality of the Hemp at the time of its receipt.—As the measure of obtaining Naval Stores by means of commission-agents appeared liable to abuse, which, from the evidence and reports of the officers, there was reason to believe had been practised, we were led to a minute investigation of this business. The consideration of the present subject naturally divides itself into two parts, namely, the advantage of the measure itself, and the manner in which it has been executed. The great objections to the procuring of Naval Stores by means of commission agents, are, the want of that active and vigilant superintendence which nothing but self-interest will in general excite, and the necessity of placing much confidence in the agents employed. The accounts of such transactions must be voluminous and intricate, and require for their accurate settlement a particular knowledge of mercantile affairs, which is not called for in the common routine of public business; whereas the accounts attending the payment for articles supplied by contract, are simple, and easily controlled.—All contracts made for Naval Stores provide, that the articles shall be good, sound, merchantable, well-conditioned, and in all respects fitting for the service of his majesty's navy; and the right of determining whether they are so, is with the officers of the Dock Yards; so that the public, provided the officers do their duty, are certain of receiving for the prices at which the contracts may be made, such articles only as are fit for the service. But when the stores are purchased on commission, the public must rely wholly on the ability and integrity of the agent for the quality of the articles, which, being paid for in the foreign market, must of course be received on their arrival in this country, whether fit or unfit for the service. The cost of such as may be fit is consequently enhanced by the inferior value or depreciation of such as may be of bad quality, or damaged on the voyage.—The contracts with the navy board are generally made by public advertisement, and the lowest tender is accepted, provided the

the termination of the war.—In detailing the result of our enquiries, we shall, for the sake of greater clearness, speak of the purchases of Hemp and Masts separately.

PURCHASES OF HEMP.

At an early period of our enquiry, we issued our precept to the navy board for Mr. Lindegren's Accounts of the purchase of Hemp, together with the vouchers, and the official statements made of his accounts. The accounts and statements were in consequence transmitted to us: but we were informed that some of the vouchers were missing, which it afterwards appeared had been returned to Messrs. Godfrey Thornton and son, subsequently to the passing of the accounts. At the requisition of the navy board, Messrs. Thorntons caused search to be made for the vouchers, which were mostly discovered, and forwarded to us; but as some of the accounts current between the different parties concerned in the payment for the Hemp could not be found, by which the rates of exchange at which the bills were drawn, could have been ascertained, we were unable to give the accounts that complete revision which we intended.

Mr. Lindegren purchased Hemp under commissions from the navy board, in the years 1795, 6, 7, and 9. Mr. Lindegren was also employed in the years 1800 and 1801, to make purchases of Hemp, through neutral merchants, in consequence of the embargo in Russia; but as his accounts for such purchases were under examination by the navy board, we did not extend our enquiries to those transactions.—The first statement made by the navy board of Mr. Lindegren's accounts, is of the purchases effected by him under the commission of the 9th of Jan. 1795, amounting to 439,934*l.* 1*s.* 9*d.* By virtue of the specific authority in that commission to purchase from 3 to 4,000 tons of Riga Hemp, Mr. Lindegren purchased, and delivered at his majesty's yards, 4,160 tons 13 cwt. 3 qrs. and 4 lbs. The cost to the public, upon an average of the whole quantity, was 56*l.* 1*s.* 2*d.* per ton. The commissions charged on the purchase and delivery of this Hemp into his majesty's yards, were as follow; 5 per cent. by Mr. Lindegren, on the amount of the first cost and charges at Riga 8,549*l.* 3*s.* 9*d.* Two and a half per cent. by Messrs. G. Thornton and son, on the amount of the first cost, and all the charges, except Mr. Lindegren's commission 5,344*l.* 2*s.* 6*d.* These commissions were in conformity to

to the agreements entered in Lindegren and Messrs. G. T. son; but there was, in addition Lindegren's commission on the further charge on that account made in each invoice by Messrs. Morison, and co. of Riga, through whom Mr. Lindegren purchased 3,252*l.* 11*s.* 9*d.* These commissions, being 17,2 appearing to us exorbitant, we Thomson Bonar, Anthony B. George Tood, esqrs., Russia from whom we obtained much information as to the mode of conducting trade both in Russia and this. From the evidence of these gentlemen we learned, that it is the general practice at Riga and Petersburg for the merchant, in purchasing Hemp, to charge a commission of 3 per cent. at the former, and 3 per cent. at the latter place, for their trouble in the purchase and shipping the Hemp; that an agent sent to those places to employ a resident merchant, or merchants, under very great disadvantage. With respect to the rate of commission usually charged by merchants in the country for procuring Hemp from the country, managing the whole business at importation, it was stated to Thomson Bonar and Mr. Brough, that the commission charged in such cases was 2 per cent. and it was further stated by Thomson, that his house under the name of Thompson and Peters, had been employed by commission from the navy board in the year 1782, upon which they charged 2 per cent. on the amount of the purchase from Riga, and on the duty, 1 per cent. on the insurances. In consequence of this information, we transmitted the navy board for an account of the commission granted to person by them to purchase Naval Stores during the American war. The following statement of the purchases of Hemp made, and the rates of commission were allowed. Here follows the statement, by which it appears, that in 1778 and 1781 the rate of commission was 2 per cent. [It is stated by Mr. Thomson that his house had been employed by the navy board during the late war, to purchase Hemp at Riga, that he would have charged a rate of commission as had been done by former partners; and by Mr. B.

he would have executed the commission on similar terms. The charge abroad would have been 2 per cent. the same as was allowed on the purchases effected by Mr. Lindegren.—As the rates of commission on this transaction exceeded by 5½ per cent. what would have been allowed, if the Hemp had been procured by means of established merchants in the Russia trade, agreeably to the former practice of the navy board, we endeavoured to ascertain, whether any advantages resulted from the sending of an agent, to compensate for this additional expence.—That the purchase of the 4000 tons might have been as well effected without the employment of Mr. Lindegren, is apparent from his conduct under this commission. It appears that one of the first steps taken by him after his appointment was, to employ Mr. John Morison, a partner in the house of Thorley, Morison, and co., of Riga, under an agreement, that he should be allowed the same commission as was charged by other merchants of the place. Mr. Morison was at that time in England, and was introduced to Mr. Lindegren by Messrs. G. Thornton and son, with whom he had been largely connected in business since the year 1788.—Mr. Morison received directions from Mr. Lindegren to purchase on his account, for the service of the navy, from 3 to 4000 tons of Hemp, and was authorized by Messrs. G. Thornton and son to draw upon them for the amount; in consequence of which he immediately set out for Riga, and arrived there in the latter end of Feb. or beginning of March. Mr. Lindegren did not take his passage in the same packet, but in the succeeding one; he arrived at Hamburgh on the 19th of March, and at Riga about the latter end of April or beginning of May, at which time Mr. Morison had purchased or contracted for the whole or greater part of the 4000 tons of Hemp, the quantity which Mr. Lindegren was specifically authorized to purchase by his instructions. It is evident, as far as regards this quantity, that, if the order had been given in the first instance to Messrs. G. Thornton and son, and conveyed by them to Mr. Morison, this Hemp might have been obtained as advantageously, and without the allowance of a commission of 5 per cent. to Mr. Lindegren, which amounted upon this purchase to 8,549*l.* 3*s.* 9*d.*—It is hardly necessary to adduce evidence in proof of the assertion, that the employing of an agent to make considerable purchases in a foreign market, where the articles

are usually procured by means of the resident merchants, will be likely to alarm that market by the appearance of an unusual demand, and consequently to increase the prices of the articles which the agent may be authorized to purchase. The evidence of the merchants whom we examined, is in support of that opinion; and it is stated by Mr. Halliday, that he believes the price of Hemp was actually enhanced by the appearance of Mr. Lindegren at Riga.—It seems the Comptroller was in hopes, as Messrs. G. Thornton and son were engaged confidentially to manage the transaction in England, and as the bills in payment for the Hemp were to be drawn upon them, that Mr. Lindegren would be considered abroad as their agent, and not as an agent of govt. But it was hardly to be expected, that the real object of Mr. Lindegren's journey could be kept secret, or indeed that the merchants at Riga could conceive that a house in London, with established correspondents abroad, would send an agent to make purchases on their account.—It is stated by the Comptroller, that the circumstance which led to the sending of Mr. Lindegren to Riga, was the information which govt. had received, that the enemy were taking measures to buy up large quantities of Naval Stores, to effect which they had at that time an agent at Riga; and as it was understood that they had nearly exhausted their stores at Brest, in their endeavours to fit out their fleet after the action of 1st June 1794, it became a great object to interrupt their supplies.—We are ready to admit the importance of this object: but we do not perceive that any advantage was obtained by sending an agent abroad, beyond what might have been expected from the employment of an established house in London, whose correspondent at Riga might have performed every service which could have been required from an agent.—It is likewise stated by the Comptroller, that considerable advantage was expected to be derived from having an agent on the spot during the shipping season, to give information of the vessels which might load with Naval Stores on account of the French govt. This service is not mentioned in the instructions which were given to Mr. Lindegren; but directions on this head were communicated to him by the Comptroller verbally; and it appears, that Mr. Lindegren did frequently, in the course of 1795, transmit lists of ships loading at Riga on account of the enemy; but we are of opi-

to Riga to purchase Hemp: and, with
 view, his lordship did not impose any
 ction as to the extent of the purchases,
 as the same could be made on proper
 . The Comptroller, in his instruc-
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 but gave him unlimited authority to
 nt any supply of Riga Hemp from go-
 France; and, if all other means fail-
 e was authorized to give an advance
 the price which the enemy might have
 1 for.—The best means, in our judge-
 of attempting to prevent the supply
 enemy, would have been by buying up
 : Hemp in the market, and afterwards
 vouring by an advance of price, to in-
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 advantage could possibly be derived
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 when Mr. Lindegren informed the

on an average of the whole q
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 Miln and Halliday of Riga, w
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 Mr. Halliday stated to us, tha
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 but by Mr. Morison, and tha
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 not customary to make such
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 was procured. The invoices,
 all made out by Messrs. Thorl
 and co., state the Hemp to hav

extend his purchases beyond the 4,000 tons specifically mentioned in his instructions, and his conduct in this particular seems to have excited the jealousy of the navy board, by their directing him on the 8th of July 1795, not to purchase any more Hemp unless it had been previously purchased for the enemy, and was actually shipping or shipped on their account: and on Mr. Lindegren's stating in reply, that when he was certain any parcel of Hemp was to be sold to the enemy, and was as sure to be shipped for France or Holland as if it was actually on board, he trusted the navy-board would see the necessity of his securing it, they informed him, that they hoped he would adhere strictly to the general instructions he had received from them on that subject.—Notwithstanding this appearance of suspicion, and the clause in Mr. Lindegren's instructions, by which he was authorized to use his best endeavours to prevent any supply of Riga Hemp from going to France, required that he should produce proper vouchers for such a transaction, yet the navy-board, on passing his account, did not require any particular vouchers for the purchases said to be made from French agents. The commissions charged on the purchase of this quantity of Hemp were, 2½ per cent. by Mr. Lindegren on the amount of the first cost and charges at Riga, 3,583*l.* 12*s.* 3*d.* 1½ per cent by Messrs. G. Thornton and son, on the amount of the first cost and all the charges, except Mr. Lindegren's commission, 2,658*l.* 13*s.* 5*d.* 2 per cent. on the amount of the purchase, at Riga charged in each invoice by Messrs. Thorley, Morison and co. on such part as was not procured from Messrs. Miln and Halliday, 1,826*l.* 8*s.* 10*d.* These rates of commission are considerably less than those authorized by the original agreements with Mr. Lindegren and Messrs. G. Thornton and son, and which were allowed on the purchase of the 4,000 tons; but they are still considerably greater than would have been charged by the first houses in the Russia trade for the performance of the same business.—The rates of commission to Mr. Lindegren and Messrs. G. Thornton and son were, in the first instance, fixed by the comptroller of the navy, and were afterwards reduced to the rates last specified, by the navy board, upon the circumstances of Mr. Lindegren's employment being communicated to them.—Various reasons are assigned by the comptroller for such parts of this transaction as were managed exclu-

sively by himself, on Mr. Lindegren of business in w been engaged, the contractors I tend the deliver conceived him ed with all son might be an obj to his maj.'s fleet well acquainted abroad. With re mission, he stat one of the surve sent at his first gren; that Mr. L abroad, as the b engaged at Portsm considerable, an it, he should exp to make it worth cunstances, and i that must be rej ed it right to off per cent. upon t ses, and his trav terms he undert ness.—Sir J. He considered a par had no time giv enquiries as to v compensation for ness which Mr. I to perform, nor t for information a sion which had f first intimation i had, was by son on the very day. I with Mr. Lindeg cation of the hig lowed Mr. Linde comptroller, the ment, it was not degren would be chases; and then his emolument i sacrifices which i this consideration est of the public tended to. Th necessary to in induce him to g fixed, and a stu commission exa should be red that the compt tering into the gren, took any

business could be effected on terms advantageous to the public: he says, Mr. Lindegren was the person who occurred to him; and when he found he could undertake it, he believed government could not be better served. He how states, that he did not at the time that an agent, sent from this country, must employ a resident merchant, to effect his purchases under great disadvantage; but conceived that a person, on the spot, might make his purchases wherever he found it most advantageous: that he intended Mr. Lindegren should himself buy the hemp at Riga; and that his commission of 2 per cent. should be the only expense attendant thereon.—The commission of $2\frac{1}{2}$ per cent. which was agreed to be given to Messrs. Thornton and son, for managing the conduct of the business in England, was settled between the comptroller and Mr. Thornton, the allowance proposed by the comptroller was 1 per cent.; but, upon Mr. Thornton's objecting to engage in the business under a commission of 2 per cent. the rate was agreed to.—The comptroller acknowledges, that at the time of his consenting to allow this rate of commission to Messrs. G. Thornton and son, he was acquainted with what had been allowed by the navy board to Messrs. Thompson, Peters, and co., in the American war, and was aware, that for the allowance of 2 per cent. they had ordered the article, as well as performed all the business which was exacted from Mr. G. Thornton. He however did not apply to Messrs. Thompson, Peters, and co., or to any other house, to know whether they would transact the business for 2 per cent.; but states, that "after having once mentioned the circumstance to Mr. Thornton, he thought it advisable to treat the matter as private as possible;" that he placed such a reliance on the rectitude and integrity of Mr. Thornton, that he believed he would not take any advantage of government, when called upon to execute a confidential trust.—This attention to secrecy, as to the object of the commission, the desire of employing a house of credit, were certainly proper; but we apprehend that enquiries might have been made, prior to a competent judgement of the propriety on which the business might be transacted, without fully disclosing the object; though the house of Messrs. Thornton and son be highly respectable, yet there were others in the Russia trade who were of trust, who should have been prefer-

red, if they would have performed the same service on terms more advantageous for the public.—In June 1795, when it became necessary to advance money, Messrs. G. Thornton and son, in the circumstances of the transaction communicated by the comptroller to the navy board, who, deeming the rates of commission too high, immediately reduced them, and consented to allow the commission upon the purchase of the quantity of 4,000 tons, and to repay Mr. Lindegren his travelling expenses; but, when formed these parties, that on the whole made over and above that which the former would be allowed only the latter $1\frac{1}{2}$ per cent. as an equivalent for the trouble. No charge has been made by Mr. Lindegren for his travelling expenses.—In fixing these rates of commission, which together amount to 3 per cent. the navy-board were probably guided by the precedent established in the last war; as we believe it was at that time understood by them, that Mr. Lindegren himself made the purchases at Riga, and that no other expense was to be charged on that account. But, as we have observed, Mr. Lindegren employed a published house at Riga for that purpose, and charged a commission of 2 per cent. which was entirely overlooked on the credit of Mr. Lindegren's account.—In consequence we discovered upon our examination of the account, together with the vouchers and surcharges, which must have been given, proper attention had been paid to the determination of it in the first instance, were at considerable pains to ascertain with whom this neglect originated, whether some steps had not been taken by the navy board to satisfy themselves of the rectitude of the account, before it was presented to be passed, and authorized by a public accountant to be taken as a sum of 439,934*l.* 1*s.* 9*d.*—We are informed, that this account of Mr. Lindegren was passed previously to the arrangement of the navy board committees, when it was not considered to be the particular duty of any member of the navy board to controul or examine the accounts; that this duty rested on the clerks, and that the board acted on the faith of their statements of the accounts as certified by the comptroller, that, in the agreements with Mr. Lindegren and Thornton, it was his intention

cent. should have been the extent of the commission allowed, both for the purchase of the Hemp and the performance of all the business relative thereto; and that he knew nothing of the commission allowed to Mr. Morison.—The charge of 2 per cent. by Mr. Morison, on the purchase of the 4,000 tons of Hemp, and on so much of that stated to have been obtained from agents of the French government, as was not purchased of Messrs. Miln and Halliday, being made on each invoice, the clerk who drew out the abstract and statement of the account for the inspection of the board, inserted in the column of first cost of the article, the total sum of each invoice, without any specification of the commission of 2 per cent. which formed a part of it, and without noticing that charge in the observations which were made by him on the account. Owing to this circumstance, and the navy board's not having referred to the vouchers, this charge of commission, which amounted to 5,179*l.* 0*s.* 7*d.* escaped notice which, we conceive, would not have been allowed in Mr. Lindegren's account, in addition to his commission of 5 per cent. if it had been known at the time.—The abstract drawn up by the clerk, preparatory to making the statement of this account, appears to have been taken from Messrs. G. Thornton and son's general account, and not from the vouchers, nor even to have been compared with them, as in either of those cases some errors, which had crept into Mr. Thornton's account, would have been discovered.—Messrs. G. Thornton and son had by mistake charged the freight of 4 ships at 5 shillings per ton more than had been agreed for by the charterparties, which made their charge exceed the sum, for which they produced the broker's receipt, on each ship as follows: Lady Annabella, 42*l.* 3*s.* 8*d.*; Industry, 43*l.* 9*s.* 9*d.*; Agenoria, 59*l.* 3*s.* 2*d.*; Lord Milton, 49*l.* 2*s.* 0*d.* amounting to 193*l.* 18*s.* 7*d.*—These errors are certainly not of large amount, but as the means of discovering them were furnished with the account, they serve to shew that great neglect has prevailed in the examination of accounts; for had either the charterparties been referred to for the rate, or the broker's receipt for the amount, these errors must have been discovered.—We understand, that the account was required of Messrs. G. Thornton and son by Mr. Lindegren in a hurry, and in a form different from that in which it had originally been kept; these

circumstances which were soon discovered by Messrs. G. Thornton and son, carried by them to the navy board, and they had opened an account of navy which was confidential to the public. This Lindegren from some progress in when he transmitted the navy board credit for this and others, under name.—Another instance occurred by us on the account. By the time the public was charged 3 qrs. and 13 lbs. delivered from 1 qrs. and 16 lbs., 1 qr. and 13 lbs. wrong to the policy that Messrs. G. Thornton and son covered a part of this ship, the their property; yet by the navy board being made to the had been sustain cargo, and without by the board on the had previously been circumstances of formed by Messrs. G. Thornton and son on the 26th of May as they recovered the amount of it had made up, the Lindegren's account of the proportion being they accordingly 1796; and the amount was retained by Messrs. G. Thornton and son as the former

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The Second Statement of the navy board, of Mr. Lindegren, on the purchase of Hemp by him under date of 2d of Aug. 1796, 17*s.* 4*d.*—In this statement, to Riga, to attend the version of the Matter for the service of the preceding year. On the 10th of Oct. he wrote to the

his way to Riga, that by the intelligence he had received from thence, there was no doubt but he could procure for them from 1 to 3,000 tons of Hemp of very superior quality, upon reasonable terms; and on the 29th he informed them from Riga, that, according to the then price of Hemp, and the course of exchange at that place, he calculated it would stand them at about 55*l.* 10*s.* 0*d.*—In consequence of these letters, the navy board, under authority from the first lord of the admiralty, directed Mr. Lindegren, on the 2d of Aug. 1796, to purchase on their account about 2,500 tons of Riga Hemp, on the most reasonable terms he could; they expressed a hope, that it would be lower than the sum stated in his letter, but even if the price should be increased, he was to make the purchase, provided the advance was not material.—Mr. Lindegren, in compliance with these directions, purchased 2,464 tons. 16*cwt.* 2*qrs.* 18*lbs.*, the cost of which, upon an average of the whole quantity, including the damaged, was 56*l.* 7*s.* 9*d.* per ton.—In the authority given to Mr. Lindegren, no mention is made of the commissions that were to be allowed on this transaction; by the accounts however, we find the following were charged: 2½ per cent. by Mr. Lindegren on the amount of the first cost and charges at Riga, 3,249*l.* 8*s.* 5*d.* 2 per cent. by Messrs. G. Thornton and son, on the amount of the first cost and all the charges, except Mr. Lindegren's commission, 2,431*l.* 1*s.* 0*d.* 2 per cent. on the amount of the purchase at Riga, charged in each invoice, by Messrs. Thorley, Morison, and co. 2,544*l.* 12*s.* 7*d.*—The whole of this Hemp was purchased by Messrs. Thorley, Morison and co. for Mr. Lindegren, and the commission charged by them was overlooked by the navy board, as in the former case, from the clerk who drew up the abstract and statement having inserted the total amount of the invoices as the prime cost of the different cargoes, without any distinction or notice of the commission.—This account was passed after the establishment of the committee of accounts, which took place in Aug. 1796; but we are informed, that on the first establishment of that committee they confined themselves in the investigation of accounts to the statements drawn out by the clerks, and the circumstances which they brought to the notice of the committee.—By this neglect we cannot but consider that the public sustained a loss, equal in amount to the commission charged

by Messrs. Thorley, Morison, and co. amounting 2,544*l.* 12*s.* 7*d.*: for, if it had been covered by the navy board that the purchase was actually made by Messrs. Thorley, Morison, and co., and not by Mr. Lindegren, as they appear to have done, from his being on the spot, they hardly have made the latter so large a allowance as 3,249*l.* 8*s.* 5*d.* merely for communicating their orders to Messrs. Morison, and co.

The Third Statement made by the board of Mr. Lindegren's account of the purchase of Hemp, is for that purchased by him in 1797, amounting to 180,974*l.*—In consequence of intelligence received from the govt. that the emperor was making large purchases of Naval Stores at Riga, the first lord of the admiralty on the 17th of Jan. 1797, authorized the controller of the navy to employ a proper confidential person to write immediately to his correspondent at Riga, to purchase for or 3,000 tons of Hemp. The controller accordingly issued directions to Mr. Lindegren, on the 20th of that month, directing him to purchase or cause to be purchased without delay, a quantity of Riga Hemp, of the bulk of that purchased the former year, not exceeding 3000 tons, provided the price should not exceed what was given in the former year, namely, 24 rix dollars per ship-pound. The price should exceed 25 rix dollars was then not to purchase more than 100 tons.—For this service the controller agreed, that Mr. Lindegren should be allowed 2½ per cent. commission on the purchase at Riga, and that Messrs. G. Thornton and son should be allowed 1½ per cent. for negotiating the business in which commissions were to include the expense, except what might attend duties, shipping, freight, and insurance maj.'s yards.—Under this authority Mr. Lindegren procured 3,123 tons. 7*cwt.* 3*qrs.* Out of which the entire cargoes of 1-3d of the whole quantity was either damaged, or of such bad quality, that it had not been received from contractors at the price of this Hemp, upon an average of the whole, bad and good together, was 2*d.* per ton. We cannot state the value of the good Hemp actually cost the public, as it is impossible now to form a true estimate of the value of such part as was damaged, or of inferior quality.—Riga

generally bears a higher price in this country than Petersburg Hemp, and is deemed of a better quality, which is said to arise from more attention being paid to the breaking of it at the former place; and Riga Hemp is on that account generally used in the manufacture of cables, and the more important parts of a ship's rigging. But the greater part of the Hemp received this year at Plymouth, under the commission granted to Mr. Lindegren, was reported by the officers to be of such inferior quality, that they proposed to the navy board to work it up into common cordage, and to use the Petersburg Hemp received in the former year for fine yarn, as its quality was much superior. A proposition to the same effect was made with respect to one cargo by the officers of Chatham yard.—We find that the navy board, upon the receipt of the letter from the officers of Plymouth yard, dated the 28th of Oct. 1797, complaining of the bad quality of the Hemp received from the John and Isabella, and James, transmitted a copy thereof to Mr. Lindegren on the 30th of that month, and desired him to inform them, to what circumstances it was owing that this Hemp was of such an inferior quality. It does not appear that Mr. Lindegren returned any answer to this letter. Upon receipt of a complaint from the officers of Portsmouth yard, on the 14th of Nov. 1797, that the cargo of the supply was of an inferior quality, a great deal of it very weak and tender, and much impaired from the heat it had sustained on board the ship, and from having been packed in too moist a state, the navy board merely transmitted a copy of the report to Mr. Lindegren on the 18th of Nov., and on the 21st of the same month they acquainted him, that the cargo of the Agenoria, on delivery at Plymouth, had turned out as follows:—213 tons. 16 cwt. 3 qrs. 11 lbs. good. 15 tons. 4 cwt. 2 qrs. 12 lbs. dry damaged. 6 tons. 9 cwt. 3 qrs. 21 lbs. wet damaged. To these two letters Mr. Lindegren returned an answer on the 27th, in which he stated, that every cargo of Hemp shipped on his account at Riga was accompanied with a certificate from the town, that the same was of the first quality called Rhein, and that he believed if the ships had been fortunate in their passages and had arrived in due time, their cargoes would have been delivered in good condition and preservation.—Mr. Lindegren here acquits himself of all responsibility by the production of the certi-

ates procured at Riga, and delivered at the dock yards, and accounts for the badness of the quality by the length of the voyage. We must here refer to the quality of the Hemp as reported by the officers, and observe, that to whatever cause the badness of it might have been owing, none but such as was good and fit for the service would have been received from a contractor.—The different commissions charged and allowed in Mr. Lindegren's accounts for the purchase of this Hemp are the same as in the last account; namely 2½ per cent. by Mr. Lindegren, on the amount of the first cost and charges at Riga, 3,550*l.* 18*s.* 2*d.*; 1½ per cent. by Messrs. G. Thornton and son, on the amount of the first cost and all the charges, except Mr. Lindegren's commission, 2,621*l.* 3*s.* 9*d.*; 2 per cent. on the amount of the purchase at Riga, charged in each invoice, by Messrs. Thorley, and co. 2,779*l.* 12*s.* 10*d.*—The latter charge of commission is certainly not warranted by the instructions of the comptroller, which provided, that the commissions of 2½ per cent. to Mr. Lindegren and 1½ per cent. to Messrs. G. Thornton and son, should include every expence, except what might attend the duties, shipping, freight, and insurance; and the comptroller states, that although he left it at Mr. Lindegren's option, whether he should go abroad or not, yet he expected he would, and understood from Mr. Lindegren that he meant to do so: he did not however, intend that a further commission of 2 per cent. should be allowed to a merchant, for transacting the business at Riga: and he states it to have been the duty of the committee of accounts to have prevented such further charge of commission.—This account was passed by the committee in March 1798, and it is stated by Mr. Gambier, that it was examined and compared with the official statement by the members of the committee themselves, so as to satisfy them, that the account was correct. It may therefore seem surprizing, that the charge of commission by Messrs. Thorley and co. should have been allowed; the amount of which was 2,779*l.* 12*s.* 10*d.*—Notwithstanding the minute examination which Mr. Gambier represents the accounts to have undergone, nearly from the time of the establishment of the committee of accounts, both by the clerks in the office for bills and accounts, and by the members of the committee themselves, yet it is evident that the examination of this account

was closed without the charge of commission by Messrs. Thorley and co. having been discovered.—The committee had about this time under examination the account of Mr. Lindegren for the purchase of Masts in 1797, and in the course of that examination, it was discovered, that the invoices contained a charge of commission by Messrs. Thorley and co., at the rate of 4 per cent.—In consequence of this discovery, the committee on the 7th of Aug. 1798, submitted to the board at large, Whether the business for which Messrs. Thorley, Morison, and co. charged a commission of 4 per cent. “should be considered as Mr. Lindegren’s own business, “for which he was to be allowed a commission of 2½ per cent. or whether he was “permitted by the board to employ an “agent at Riga for that purpose?” On the same day the board determined, “that “the charge by Messrs. Thorley and co., “for commission on the purchase of the “Masts at Riga, was proper; as Mr. Lindegren, from being detained here by order of the board for the purpose of passing his accounts, was allowed to employ “an agent at Riga for the purchase in “question.”—The committee, after this, referring to Mr. Lindegren’s account for the purchase of Hemp in 1797, and finding a charge of commission by Messrs. Thorley, and co. on that transaction, also made a reference to the board at large on that subject on the 10th of Aug. 1798.—They stated to the board, that, on a re-examination of Mr. Lindegren’s account for Hemp purchased at Riga in 1797, previous to the final issue of the bill towards clearing his imprest, they found they had overlooked a charge of 2-per-cent. commission by Messrs. Thorley, and co. at Riga, inserted in the invoices, which in the office statement had been comprised under the head of cost at Riga; that as this charge had been incurred by reason of Mr. Lindegren’s detention in England for settling his former accounts, in the same manner that the 4-per-cent. commission was incurred on the Masts purchased at Riga by Messrs. Thorley, and co. which the board by their resolution of the 7th inst. had thought proper to allow, they submitted to the board, whether the charge in question was to be allowed.—On the same day the board determined, That the commission of 2 per cent. to Messrs. Thorley, and co. on the purchase of Hemp in 1797, was to be allowed for the same reasons as

stated in their minute of the 7th of that month, for allowing the commission upon the purchase of the Masts.—The reasons stated by the navy board, in their minute, are not satisfactory. If Mr. Lindegren was required to remain in England for the purpose of passing his accounts, and was allowed to employ an agent to make the purchases in 1797, it was proper that the commission charged by Messrs. Thorley, and co. who actually made the purchases should be allowed; but under these circumstances, if Mr. Lindegren was to be allowed a commission, it ought certainly to have been a very small one. If all the business abroad was to be managed by an established house at Riga, and all the business at home was to be performed by Messrs. G. Thornton and son, what part of the transaction was left to the management of Mr. Lindegren, to justify an allowance to him of 2½ per cent.?—Mr. Lindegren himself admits, that merely writing the letter to Messrs. Thorley and company, ordering the Hemp, was all the service he performed for the sum of 3,550*l.* 18*s.* 2*d.* the amount of his commission on this transaction.—With respect to the statement of the navy board, that Mr. Lindegren was required by them to remain in England for the purpose of passing his accounts, we were informed by them, that there was no trace in their office of any written order to Mr. Lindegren to that effect, or of any authority to him to employ an agent at Riga; and Mr. Lindegren, the party on whom, it is natural to suppose, these circumstances would have made the strongest impression, has no distinct recollection of any directions being given to him by the navy board to remain in England in 1797, and does not believe that he had any authority from them to employ an agent.—We cannot dismiss this subject without noticing the letter which was written by the navy board to Mr. Lindegren, on their discovering that a commission was charged by Messrs. Thorley, and co., for providing the articles. Instead of calling upon him for an explanation on this point, they furnish him with an excuse; for after mentioning the circumstance, they state, “We conclude that your detention here, “for the purpose of passing your accounts, “has been the cause of your employing “the before-mentioned factors for effecting “these purchases; but we cannot but ob- “serve to you, that we think it a duty you “owed the public to have apprized us of “the additional expense that was to be in-

"curred by such detention, and you being consequently obliged to depute others to do that part of the business at Riga, which otherwise would have been performed by you."—It does not appear that Mr. Lindegren returned any answer to this letter; probably he felt that he could not adopt this excuse; for it must have occurred to him, that the same commission had been charged by Messrs. Thorley, and co., under his agreement with them in the years 1795 and 6; when he was actually at Riga.—It seems extraordinary that the discovery of this charge for commission in 1797, did not lead the navy board, to look back to the accounts for 1795 and 1796, from which they would have perceived, that the reason suggested by them for this charge in 1797, was unfounded. As the reason for allowing this charge in 1797 could not apply to the years 1795 and 1796, when Mr. Lindegren was actually at Riga, we applied to the navy board, to know upon what ground they had allowed such charge in those years. In their answer, they allow that the charge was unknown to them at the time of passing their accounts, owing to their having relied on the official statements, and their not having referred to the vouchers; but they insist that this neglect has not been productive of loss to the public, as there existed a necessity for Mr. Lindegren's employing an agent, "or he would have paid from 10 to 12 per cent. at least more than by employing an agent, and paying him the regulated commission;" therefore, they say, their having passed over this charge in the accounts for 1795 and 1796, "is perfectly immaterial" "in respect of the point, whether it was to be allowed or not."—This position we cannot assent to; for, if the first account in 1795 had been examined with proper attention, the charge of commission would have been discovered; the navy board would probably have then become acquainted with the necessity for Mr. Lindegren's employing an agent, which, they state, they were ignorant of at the time of allowing the charge on this account in 1797; and it is fair to presume, that, after 1795, a stop would have been put to the unnecessary expense incurred by the employment of Mr. Lindegren.—The navy board did not, till the year 1797, resort to the mode of obtaining Hemp by commission from Petersburg; on which occasion they employed Mr. Cornwalli Smalley, a partner in the house of Thornton and Smalley. The commis-

sion authorized by charged on this tra. The commission charged on Hemp from Riga, Lindegren in the same year fore observed. 6 p the usual charge charged the article at Riga and at Riga only 2 tention to the publication the recurrence and the losses which

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The Fourth Stat board, of Mr. Lindegren purchase of Hemp, him in 1799, amount In consequence of first lord of the Admiralty the controller of the navy, capable to take steps supply of Masts at his maj.'s navy, it appear best calculate the articles as low troller gave authority the 6th of March the bad quality of him in 1797, to prevent the performance of to be allowed for his mission of 4 per cent his disbursements.—Lindegren purchased 3 qrs. 5 lbs.; and will shew the quality cargo at the time of presentation made the inferior quality by the Nymph and called on them for port, and afterward a particular account when the whole shew to state the loss and consequence of the this it seems, that at on ten tons of each an equal quantity of divided by contract, the produce in quantity the former; but the not appear to have officers, or called it consequently the loss may have arisen from quality, cannot be year, besides the Mr. Lindegren, the

for 1,000 tons of that article, at 47*l.* 10*s.* per ton, with the usual war additions of 1*l.* 10*s.* per ton at Portsmouth, and 2*l.* per ton at Plymouth; it therefore appears that this Hemp, of which none could be received according to the conditions of the contract, but such as was of good quality, and fit for his maj.'s service, cost the public, upon an average, 48*l.* 7*s.* 6*d.* per ton, whereas that provided by Mr. Lindegren, upon an average of the whole quantity, cost 52*l.* 6*s.* 6*d.*, notwithstanding one-fourth of it was damaged, or of such quality as would not have been received from contractors.—The order given by the comptroller to Mr. Lindegren to effect this purchase, differs essentially from the orders in the former years: Messrs. G. Thornton and son were no longer nominated to transact the business in England, but it was stipulated with Mr. Lindegren, that the rate of commission should not exceed 4 per cent. for himself and agents.—Mr. Lindegren employed Messrs. Thorley and co. to make the purchases at Riga under this order, who charged, as usual, a commission of 2 per cent. upon the amount of each invoice, and Mr. Lindegren charged a further commission of 2 per cent. upon the first cost of the Hemp, and the expences attending its importation and delivery at the Dock Yards.—Thus at length, a stop was put to the extravagance in the amount of the commissions: Mr. Lindegren indeed was still continued to be employed, but the public were only at the same expence of commission as was actually incurred on the purchases made at Petersburg by Mr. Smalley, and would have been incurred by the employment of established houses in the Russia trade in obtaining Hemp from Riga.

PURCHASES OF MASTS, FIR TIMBER, &c.

The first lord of the admiralty, in his letter to the comptroller of the navy of the 6th of Jan. 1795, authorizing him to send an able and confidential person to Riga to purchase Hemp, is silent as to the purchase of Masts; but the comptroller states in his evidence, that he had verbal directions from his lordship for that purpose. He therefore, in his instructions to Mr. Lindegren, directed him, in case he should meet with any Masts at Riga of the size of 20 inches and upwards, which he should have reason to believe were going to the enemy, to endeavour to prevent their receiving such supply by any means that might occur to him; and in case he should not be able to obtain

the Masts by the superiority of the credit of this country, he was authorized to give an advance upon the price which the enemy might have agreed for.—By his maj.'s order in council of the 8th of June 1796, the comptroller of the navy is directed to execute certain services of a secret nature, under the authority of the first lord of the admiralty, and after such services shall have been performed, he is required to lay the orders and his proceedings in consequence, before the board for their concurrence. To enable the board to judge, as they are directed to do, of the conduct of the comptroller, it is necessary that the orders under which he has acted should be in writing. The directions given by the first lord of the admiralty for the purchase of Hemp were in that manner communicated to the comptroller, and we think the same rule should have been observed with respect to the procuring of Masts. Measures may be concerted in conferences between the principal officers of a department, but they should in all cases be carried into execution under the warrant of the proper authority.—Mr. Lindegren, in his letters from Hamburg and Riga, dated 11th of April and 2d of May 1795, stated to the comptroller, that all the Masts of 20 inches and upwards, then at Riga, and expected there in the course of that and the following year, had been bought up for the French govt.; but that he had deprived them of at least 5 or 600 of the above dimensions, which were ready for shipping at Riga, and which they had relied on for the supply of their fleet.—Various communications were made by Mr. Lindegren to the comptroller on the subject of the Masts which had been bought up for the French govt.; and the navy board, in their letter of the 8th of July, informed him, that they thought it a desirable object to obtain them, provided they could be had on terms not exorbitant.—Mr. Lindegren, in his letter to the comptroller of the 18th of July 1795, stated, that he had so far prevailed on the French agent as to have obtained from him the terms on which he was willing to part with between 3 and 400 of the largest and finest sticks he had at Riga of from 20 to 25 inches in diameter, together with his original contracts for all the Masts of the next year, to the number of about 2000. Mr. Lindegren however stated, that his demands were too high, but that he hoped they would be lowered. This letter appears to have been transmitted to the first lord

of the admiralty, who by a minute written at the foot of it, dated the 11th of Aug. 1795, desired the navy board to authorize Mr. Lindegren to conclude a bargain for the Masts on the most reasonable terms he could. The navy board, on the same day, gave Mr. Lindegren such authority, and stated, they trusted to his ability and integrity in the execution of a transaction of such magnitude, that he would not enter into any terms for the final purchase beyond what it might be proper for them to accede to, for obtaining the object they had in view. They also stated, that it would have been more satisfactory if he had mentioned the terms of the French agent; and directed him, in the further prosecution of the business he was employed upon, always to state the terms that might be offered to him.—On the 6th of Sept. 1795, Mr. Lindegren, by letter from Riga, informed the comptroller, that he had that day settled with the French agent upon such terms as he felt convinced, in the then situation of affairs, would prove highly satisfactory, for all his Masts, consisting of 4 or possibly 500 remarkably fine sticks, or from 20 to 25 palms, which were upon the spot, and of about 2,300 which he had contracted for to be delivered in the next year. Mr. Lindegren stated the prices of the Masts of different sizes on their delivery at Riga as near as he could calculate them, according to the then rate of exchange, exclusive of all charges; and informed the comptroller, that they would cost more than the last Masts the navy board had contracted for, which he said was unavoidable, as the French agent would not make them over to him without a handsome advance upon the prices he was to receive from his employers, whose interest he had sacrificed.—Mr. Lindegren, on the 1st of Feb. 1796, transmitted to the navy board an account of the particulars of the Masts which he had contracted for, and were to be delivered to him at Riga, if possible, in the course of the next season; he stated that this account, which made the number 3,949, contained the whole of the Masts the French agent had bought up, and had been in treaty for.—The Masts purchased by Mr. Lindegren were imported in the course of the years 1795, 6, 7, and 8. On the first ship being ordered to Riga, to bring home the masts, Messrs. G. Thornton and son, on the 19th of June 1795, wrote to the navy board, and requested to know, whether it was requisite for them to order any small ar

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afforded; and that, as he wanted no emolument from the goods, they were welcome to have them at prime cost.—It does not appear that Messrs. G. Thornton and son had any communication with the navy board in consequence of this letter. Mr. G. Thornton states, he has no reason to believe that Mr. Lindegren had permission to bring home Fir Timber, lath and firewood, on his own account, without paying freight for the same, or that it was known to any member of that board that he imported such articles in the Mast ships.—It appears that Mr. Lindegren also put Fir-Timber on board the 4 other Mast ships, loaded at Riga in the course of the year 1795, which was sold on his account.—Mr. Lindegren states in his evidence that he did endeavour, without success, to obtain freight from the merchants of Riga, to fill up the vacant space in these ships. His obvious duty under those circumstances, was to have purchased, on account of govt., such articles as were actually necessary to stow the Masts. He says, he cannot now state why he did not inform the comptroller on the 3d of Sept., or in some of his subsequent letters, that he had laden Fir Timber on board the Mast ships on his own account. In his letter to Messrs. G. Thornton and son, of the 12th of Sept., he desires them, if they should suspect the navy board had any idea of receiving freight, to tell them it could not be afforded; yet, in his evidence he states, that he did derive considerable profit from the Fir Timber and other articles imported by him in the Mast ships, in 1795 and beginning of 1796.—We have not been able to ascertain how, or in what manner, the circumstance of Mr. Lindegren's having imported these articles in the Mast ships, was brought to the knowledge of the navy board; but by the evidence of the comptroller and surveyor of the navy, and of Mr. Gambier, it appears, that in the beginning of 1796, the question was discussed by the navy board, whether Mr. Lindegren should or should not pay freight; and that it was determined in the negative; but upon what precise ground the board came to that determination, they do not appear to recollect: nor is there any minute on the proceedings of the navy board relative thereto.—In 1796, previous to the importation of that year, the navy board seem to have determined, that the articles necessary to complete the loading of the Mast ships, should be provided on their account. They wrote to Mr. Lindegren to inform them of

the nature of the goods that he would propose for this purpose, and on the 26th of April, they authorized him to purchase 2000 loads of Riga Fir Timber, and 2370 Norway Masts. These articles, it appears, were not sufficient for the intended purpose. Of 44 ships which were employed in the importation of the Masts in 1796, the articles ordered by the navy board for broken stowage were sufficient to complete the loading of only 20. Mr. Lindegren did not communicate this circumstance to the navy board, and request their directions for a further provision of these articles for the remaining 24 ships, but put on board them Fir Timber, which was sold on his account, without any allowance for the freight being made to the public.—By the evidence of the comptroller and Mr. Gambier, it would seem that the navy board were not acquainted with Mr. Lindegren's having imported any articles in the Mast ships on his private account, after the order of the 26th of April 1796, above alluded to; but it is evident that the navy board must at the time have been acquainted with his having done so, as on the 13th of Oct. 1786, they directed the Portsmouth officers not to receive any Fir Timber or Norway Masts out of the ships importing the Riga Masts purchased by Mr. Lindegren, beyond the number and quantity they were authorized to receive in the April preceding, nor any other kinds of broken stowage, without a special order for that purpose; and on the 9th of Dec. following, the Portsmouth officers requested the navy board's direction as to the disposal of 50 loads of Fir Timber delivered at that yard, beyond the quantity they were authorized to receive in April, which the navy board directed them to return to Mr. Lindegren.—The first statement made by the navy board of Mr. Lindegren's accounts for the purchase of Masts, is for those imported in the years 1795 and 96; and he was in consequence discharged of the sum of 280,023*l.* 4*s.* 7*d.* Owing to the reduction made by the navy board in the rate of commission originally agreed to be given to Mr. Lindegren, he appears to have been at a loss at what rate to charge his commission on this transaction; and it was consequently omitted in this account; but it was afterwards agreed by the navy board, that he should be allowed 5 per cent. upon such Masts as he had procured before he received their letter of the 12th of June 1795, and 2½ on the remainder; and he accordingly took credit for the

amount in his subsequent account for 1797. —The different commissions allowed by the navy board on the purchase of the Masts, Fir Timber, &c. imported in 1795 and 96, were as follow: 4 per cent. by Messrs. Thorley and co. on the amount of the first cost and charges at Riga, 6,260*l.* 16*s.* 2*d.*; 5 per cent. by Mr. Lindegren on the amount of the first cost and charges at Riga (including Messrs. Thorley and co.'s commission) on 598 Masts, 1,389*l.* 6*s.* 0*d.*; and 2½ per cent. on the remainder, 3,382*l.* 15*s.* 10*d.*; 4,772*l.* 1*s.* 10*d.*; 1½ per cent. by Messrs. G. Thoruton and son on the amount of the first cost and all the charges, except Mr. Lindegren's commission, 3,754*l.* 10*s.* 3*d.*

So much has already been said on the subject of the employment of Mr. Lindegren, and of the additional expence which was thereby incurred, that we think it unnecessary to say any thing further here, than that we are of opinion no advantage was gained that might not have been expected from the employment of any established house in the Russia trade.—This account was passed on the 20th of June 1797, subsequent to the appointment of the committee of accounts, but at a time when, as we are informed, their examination of the accounts was confined to the consideration of the circumstances pointed out to their attention by the statements of the accounts made by the clerks.—The commission charged by Messrs. Thorley and co. was, as we have before observed, with respect to the accounts for Hemp purchased in the years 1795, 96, and 97, included in the sum inserted in the official abstract as the prime cost of the different cargoes: it was consequently unknown to the board at the time of passing the account, that this expence of commission, in addition to what they had agreed to allow to Mr. Lindegren on the purchase, had been incurred.—We found upon examining and comparing Mr. Lindegren's accounts with the vouchers produced by him to the navy board, that there had been laden on board the Peggy, one of the Mast ships, 138 loads 14 feet of Fir Timber, of which only 94 loads 45 feet were received in Portsmouth Yard; the remainder was returned to Mr. Lindegren; but the insurance and duty upon the whole quantity, we found were charged to the public, as well as the duty upon several parcels of firewood imported in the Mast ships on Mr. Lindegren's private account.—On questioning Mr. Lindegren to these points, he stated, that his charging the

duty to the public firewood was an oversight to the Masts, taken from the Dock the water bailiff of not at home at the formed him of it, Masts belonged to co., to whom, when the proceeds.—It is green had given Me these Masts, not counts, but in an a contracts for Masts ferred to them, of hereafter; but it do traordinary that M mits he was not in t Masts from Mess should not, in the c had any communica ing these Masts or t counts for this si Messrs. Thorley, at deal of money, on contracts above allt he wished Mr. Mor of his account, he b which would have c specting the Masts; he did not want it.— supposed that the longed to Messrs. co. it was his duty public had credit fo but he says, he nev cumstance, consider ted 2 or 3 in each true, we do not per sen the claim of the he must have know the case, as only 2 Masts to Portsmouth and 96.—In the acc by Mr. Lindegren t 11th of May last, he for 731*l.* 2*s.* 10*d.* a 175 Masts; and in current delivered th credit for 23*l.* 17*s.* as the duty charged Fir Timber and fire private account.

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allowed credit for the sum of 34,767l. 15s. recovered from the underwriters on account of the loss of 4 cargoes of Hemp. The net sum, of which Mr. Lindegren was discharged, was 183,804l. 13s.—Mr. Lindegren, in his letter of the 21st of March 1797, stated to the navy board, that it was near the time for taking up ships to commence the importation of the Masts remaining at Riga, and requested to be informed, what articles they would wish him to put on board, to enable the masters to stow the Masts.—The navy board, in reply, on the 20th of April 1797, ordered Mr. Lindegren to procure and deliver in the course of that year, 2645 Norway Masts, 2250 loads of Riga timber, and 21,000 deals; and in the course of 1798, 1630 Norway Masts, and 750 loads of Riga timber. They at the same time desired that he would not import in 1797 any of the articles ordered for 1798, if it could be avoided without any additional expence to govt.—On the 11th of Aug. 1797, Mr. Lindegren acquainted the navy board, that his agent at Riga had informed him the articles ordered for broken stowage had been nearly all employed in completing the cargoes of the ships which had been then sent out, and that it would be necessary to provide a further quantity to stow the remaining Masts, which were mostly of the largest sizes. Mr. Lindegren pointed out Fir Timber, hand Masts, spars, and deals, as proper for the purpose, and requested the navy board would let him know what quantities of those articles they would wish to have put on board the ships.—The navy board on the same day informed Mr. Lindegren, that they expected the principal part of the large Masts had been sent home, as they had repeatedly desired he would give them the preference; and with respect to the broken stowage, they desired he would procure as much Fir Timber as was absolutely necessary to stow the remaining Masts, but nothing more.—On the 15th of Aug. the navy board, by a general warrant, acquainted the officers of the several yards, that they had authorized Mr. Lindegren to procure as much Fir Timber as was absolutely necessary to stow the Masts, and directed them to receive the same.—Notwithstanding this representation of Mr. Lindegren, and the navy board's direction, we do not find that the additional quantity of Fir Timber was delivered into his maj.'s yards; on the contrary, out of 38 ships, which imported the Masts

in 1797, it appears that 14 of them Fir Timber, which was sold on Mr. Lindegren's private account, without a notice of freight being made to the govt. Mr. L. states, when the additional quantity of Fir Timber arrived, which was directed to procure by the navy board, in a letter of the 11th of Aug. that he was informed of the circumstance of its having been refused by the navy board was not advised either by himself or Messrs. G. Thornton and son; and that, therefore, it was not admitted to be refused at the Dock Yards. We apprehend it could not have been refused at the Dock Yards, as the officers expressly directed to receive the additional quantity by the navy board's warrant of the 15th of Aug. before mentioned afterwards produced 3 letters from Mr. G. Thornton and son to Messrs. G. Thornton and Hodge, their agents at Plymouth, in July and Aug. 1797, stating, that bills of lading for the Fir Timber on board Mast ships had been sent to the Dock Yards, which Fir Timber Messrs. G. Thornton and son, by their letter of the 15th of Aug. desired might be sold, as they stated it was not to be received by the Dock Yards. By these letters it would imply, that the navy board had refused to take the timber. This circumstance not appearing probable, we referred to Messrs. G. Thornton and son, and requested to be informed, whether the navy board had refused to receive the timber, or upon what ground. Mr. G. Thornton and son to Mr. Chapell and Hodge of the 15th of Aug. was written, and in reply it was stated to us, that they had referred to the navy board in consequence of the correspondence with the navy board, and had not found any letter relative to the broken stowage, and that in answer to their letter of the 15th of Aug. written in consequence of verbal directions from Mr. Lindegren.—Mr. L. informed us of the 6th of July 1805, speaking of the reluctance he had to having Fir Timber put on board the Masts on his own account; and yet, when the navy board had ordered him to procure as much Fir Timber as was absolutely necessary to stow the Masts, and had directed the officers of the yards to receive it on its arrival, being himself in England, he caused it to be sold on his private account. Under these circumstances, it is reasonable to suppose that Mr. L. would have made this timber his own, if a lo

upon the sale, as his evidence seems to intimate; but, whether such loss did or did not arise, it must be observed that the directions, which he received from the navy board, were not regarded by him.—The commissions charged and allowed by the navy board on the purchase of the Masts, Fir Timber, &c. imported in 1797, were as follows: 4 per cent. by Messrs. Thorley, and co. and on the amount of the first cost and charges at Riga 5,692*l.* 8*s.* 10*d.*; 2½ per cent. by Mr. Lindegren, on the amount of the first cost and charges at Riga, including Messrs. Thorley and co.'s commission 3,711*l.* 14*s.* 9*d.*; 1½ per cent. by Messrs. G. Thornton and son, on the amount of the first cost and all the charges, except Mr. Lindegren's commission, 3,083*l.* 16*s.* 7*d.*—In the course of the examination of this account, it was first discovered by the committee of accounts, that a commission had been charged by Messrs. Thorley and co. on the purchase, which induced them to make the reference to the board, as to the propriety of allowing that charge, which we have before noticed, when speaking of the purchase of Hemp in 1797.—It appears by the minute of the committee of accounts, attached to their statement of this account, that their attention was directed to the difference in the number of the articles charged to the public, and the numbers acknowledged by the officers of the yards to have been received. They state, that upon the whole number of Masts, bowsprits, and spars, there appeared to have been 109 sticks more delivered than had been paid for. This was not the case. In the abstract of the invoices, from which the statement is made, the cargo of the *Young William* is stated to have consisted of 26 Masts, instead of 76; that of the *Selby*, 63 instead of 65; and in the cargo of the *Centurion*, 84 Norway Masts or spars are wholly omitted; so that, instead of there having been a greater number delivered than had been paid for, there was actually a deficiency of 27 in the delivery, of which we cannot get any account.

The Third Statement made by the navy board, of Mr. Lindegren's accounts for the purchase of Masts, is for those imported in 1798, amounting to 33,661*l.* 13*s.* 5*d.*—Mr. L., on the 7th of April 1798, represented to the navy board, that there still remained at Riga a sufficiency of small Masts, spars, &c. to stow about 300 Masts and 50 bowsprits of the largest di-

mensions, from 20 to 26 inches in diameter. He stated, if the navy board wished for such a supply, that they might depend on not being disappointed, as he had made it his business, through his agents in Russia, to get selected, with infinite pains, a great number of sticks of such dimensions, and that he would undertake to receive back, on his own account, any Masts, which, on delivery, might be found to fall short of 20 inches. And, on the 24th of April, Mr. L. observing that the navy board had advertised for large Masts, stated to them, that he was enabled, from the steps he had taken in Russia, to provide them with such as they might require, and that he would engage, every stick should measure 21 inches or more in diameter. He further stated, that he was certain it was not in the power of any other person to provide the Masts on the terms he could, and that he had every reason to doubt their being able to provide them at all; and, at the same time, informed them, if he was permitted to procure the Masts in question, that it would enable him to bring home advantageously for govt., all the Masts, spars, &c. remaining at Riga, which had been paid for, and made a part of the required supplies of the year, and which were quite sufficient broken stowage for the 300 Masts they required.—Mr. L., on the 25th of April, transmitted to the navy board an account of the sums, which he apprehended the Masts of different sizes, from 21 to 26 inches, would cost, on being delivered into his maj.'s yards; upon which they authorized him to purchase 281 Masts, of 21 inches and upwards, upon condition, that such as might, on delivery, prove under that size, should be returned to him.—Upon the delivery of these Masts, some of them did prove under 21 inches in diameter, which the navy board afterwards consented to receive at reduced prices.—Notwithstanding the statement made by Mr. L. to the navy board, that the small masts, spars, &c. remaining at Riga, would be quite sufficient broken stowage for 300 masts, we find, although the navy board ordered only 281, that Mr. L. put Fir Timber, on his own account, on board 3 of the 6 ships, by which the Masts were imported, on which no freight was allowed to the public.—At the time the navy board authorized Mr. L. to purchase the 281 Masts, they did not enter into any agreement with him as to the commission he should be allowed, and when he sur-

nished his account, he left the rate to be determined by the navy board.—In the invoices of these Masts, there was no specific charge of commission by Messrs. Thorley and co.; although such charge was continued to be made in the invoices of the articles purchased in the preceding year, which were imported at the same time.—On the 26th of April 1799, the navy board desired Mr. L. to inform them, why the shipping charges, duties, and commission to Messrs. Thorley and co., had not been particularly specified in the invoices of the Masts purchased under the agreement of April 1798, as had been done in the invoices for the Masts and Fir Timber left behind in 1797, and in all former invoices.—Mr. L. in his reply informed the board, that he had particularly desired Messrs. Thorley and co. to charge the Masts, purchased in 1798, as specific rates, including all the charges at Riga, in order that the cost of each Mast might be seen at one view.—On the 15th of July 1799, the navy board desired Mr. Lindegren to state, as in former instances, the prime cost of the Masts, the duties and shipping charges, and the commission charged by Messrs. Thorley and co., for the purpose of their determining what commission ought to be allowed to him. In his letter of the 22d of July, he informed them the circumstances, under which these Masts were purchased, differed materially from the former transactions; that, as a number of large Masts alone were to be supplied, Messrs. Thorley and co., in order to make the selection, were under the necessity of purchasing many considerable parcels of Masts, both large and small, otherwise they could not have procured Masts of such sizes as were sent, and which, according to his directions, were charged at the lowest prices at which they could afford to deliver them.—Mr. L. in his letters of the 7th and 24th of April 1798, did not state any difficulty or disadvantage in procuring a supply of large Masts only, but informed the board, that the number they required had been actually selected by his agent at Riga.—On the 16th of Oct. 1799, the navy board repeated to Mr. L. the directions contained in their letter of the 15th of July, to state the particulars which composed the sums inserted in the invoices transmitted by Messrs. Thorley and co., as they could not allow any commission upon this transaction, until such particulars were ascertained; and, on the 18th, he informed them,

that he would desire Messrs. Thorley and co. to furnish him with invoices made out in the usual mode. It does not, however, appear, that the information desired by the navy board was ever furnished to them. On the 13th of Dec. 1799, in answer to Mr. L.'s letter of the 30th of Nov. they informed him of the prices at which they would receive the Masts, that on delivery, had proved to be under 21 inches; and with respect to his commission, as it appeared he was to pay 4 per cent. upon the purchase at Riga, they should allow him 2 per cent. in addition thereto, which is the only specific commission charged on the purchase of the Masts in 1798.—During the time that Messrs. G. Thornton and son were allowed a commission by the navy board for transacting the business in England, relative to the purchases made by Mr. L., they furnished him with accounts, which were laid before the navy board, of the profit and loss arising from the interest and discount of the navy bills issued by way of imprest; but, when they ceased to be so employed, Mr. L. no longer produced such accounts to the navy board.—Messrs. G. Thornton and son, were afterwards employed by Mr. L. as his private agents, to transact the business relative to the purchase of Masts in 1798, and, by their account with him, intitled "his account of Naval Stores imported," it appears, that 18 imprest bills for 1000*l.* each, payable at 90 days, were issued by the navy board, in part payment for these Masts. Messrs. G. Thornton and son did not negotiate these bills, but held them till they became due, when they not only received the principal sums of the bills, but also the interest, which amounted to 235*l.* 16*s.* and gave Mr. Lindegren credit for that sum on the 1st of May 1799; but, as 3 of these bills did not become due until the 10th of June, they debited him with 18*l.* 4*s.* 9*d.*; the amount of the discount on such bills, leaving a balance of 217*l.* 1*s.* 3*d.*—Mr. L. states, that he does not recollect why he did not give the public credit for this sum; and that he thinks he did not get Messrs. G. Thornton and son's account, in which they gave him credit for it, till about the 29th of June last, the time of his examination; but it is stated by Mr. G. Thornton, that it was delivered to him soon after it was prepared, on the 1st of May 1799; and as Mr. L. was debited by Messrs. G. Thornton and son with the balance of that account, amounting to 13,164*l.*

8s. 11d. it would be unreasonable to suppose, if the account had not been furnished, but that Mr. L. would have required it, to have seen how such balance was made up.—In the course of our enquiry we also discovered that Mr. L. had received some other sums which should have been carried to the credit of the public. Having, at our request, been favoured by the commissioners of the customs with copies of the manifests of the cargoes of the different Mast ships, we found, in addition to the Fir Timber imported by Mr. L. on his private account in each year, that wainscot logs had been imported in some of the ships which were consigned to Messrs. G. Thornton and son. Upon application to them we found that those articles had been consigned to them by Messrs. Thorley and co. of Riga, and that they had given credit to Mr. L. for the amount of the freight, in an account which they had opened with him, intitled, “disbursements for Naval Stores imported,” a copy of which account they laid before us, together with an extract from their journals, necessary to the elucidation of that account, which contains other sums besides the freight of the logs above mentioned, with which the public should have been credited, and also some disbursements, which have not been charged by Mr. L. in his accounts. We have drawn out an account, shewing the sums which should have been carried to the account of the public by Mr. L., the balance of which 156*l.* 17*s.* 4*d.* still remains due from him.—Messrs. G. Thornton and son’s account above alluded to, contains a charge for interest on sums advanced in payment for Naval Stores, which should not fall upon the public, as Mr. L. had, at the time, a considerable sum of the public money in his hands, which he had withdrawn from the custody of Messrs. G. Thornton and son.—It is stated by Mr. Tooke, that he thinks Mr. L. was not furnished with the account intitled “disbursements for Naval Stores,” and by Mr. L. that he never saw it until it was shewn to him just before the copy was rendered to this board; but as the balance 58*l.* 4*s.* 11*d.* was carried to his particular account as a balance on disbursements for Naval Stores, he certainly ought, whether the account was furnished or not, to have ascertained how such balance had arisen.—We were surprized to find that Mr. L. had not delivered, with any of the accounts of his purchases, an account current of his receipts and disbursements; more especially

as the navy board directed, on the 7th of March 1799, an account current from the time of his employment. In that he furnished on which he gave the receipt for the amount of the expenses, which had occurred in the purchase of 1000 lbs. of powder, on application to the account, they state that search had been made but could not be found; however, they informed us of the circumstances therein detailed, any reason to believe that an account current had been drawn up and counted for his being with a copy of the account to him to have been that he was robbed of relating to his transport board on his way to London in 1799. These circumstances are inclined to believe the question was never referred to the board; for, if it had alluded to had been in as due from him it would be reasonable to suppose that he would have omitted that amount.—On the 11th of April 1799, we had discovered that the property of the public to account by Mr. L. the navy board, of the account current, commencing in April 1799, in which he adjusted the several errors in his accounts, as discovered in the course of the enquiry. The first sum in this account which he charges himself stated to be the balance on the board at the time Mr. L. ceased to be employed, learned from Mr. L. in the following manner:—He said, that he had, by his office the amount of the account been imprested to him the several sums received from Thornton and son, on account of Naval Stores, on the 29th of April 1796, from the amount of the disbursements; the remainder of the balance due to the navy board, on specification of the

it. This was certainly not a clear or satisfactory mode of stating the account; for it was impossible that the navy board, from any documents in their possession, could ascertain how the balance was made up. Mr. L. also gave the public credit in this account for 731*l.*2*s.*10*d.*, as the amount of the Masts belonging to the public, which he had received out of Portsmouth Dock Yard in 1797.—In consequence of our having discovered that Mr. L. had improperly charged the public with the duty on some Fir Timber and fire wood imported by him in the Mast ships on his private account, he transmitted to the navy board an amended account current, in which he gave them credit for the amount; but there still remain due from him the sums of 156*l.* 17*s.* 4*d.* and 217*l.* 1*s.* 3*d.* which we have before noticed, less the sum of 23*l.* 12*s.* 6*d.*, the premium returned on the insurance of the cargo of the *Ariadne*, which Mr. L. has given the public credit for in the balance of 483*l.* 9*s.* 8*d.*, although that sum had been previously allowed in the original account of the cost of the cargo of that ship.

Upon a review of these transactions, we feel ourselves called upon to state, that by want of sufficient knowledge (which should have been previously obtained) of the circumstances attending the employment of an agent sent from this country for the purchase of Naval Stores, and the neglect shewn in the examination of Mr. Lindegren's accounts, a very considerable and unnecessary expence has been incurred. The amount of Mr. Lindegren's commission on the purchases made prior to 1798, was, 27,631*l.* 9*s.* 6*d.* We cannot but consider, from the circumstances before detailed, that the whole, or the greater part, of that commission was lost to the public, as, during those years, a resident merchant at Riga was paid the usual commission for making the purchases there, and an established mercantile house in London was paid for transacting all the business in this country.—It is urged however, that Mr. L. in consequence of his employment, went to Riga in 1795 and 96, and that during his stay there in the former year, he gave information of the ships, which took on board Naval Stores on account of the enemy; but, as we have before observed, the purchases at Riga might have been as well executed had he not been present or engaged for that purpose. For the other service expected from him, that of giving intelligence of

ships laden with Naval Stores on account of the enemy, persons long resident in that spot were better qualified, as they possessed superior opportunities of acquiring information; to whom, or to others expressly deputed, a small part of 13*s.* 2*d.*, the sum paid as Mr. L.'s commission in 1795, would have afforded ample remuneration. As to the service performed by Mr. L. in 1797, it is not at all clear, either by himself or the navy board, whether he did any thing more for the commission allowed him than merely convey to Messrs. Thorley and co., the order for the purchase of the goods.—We have before stated it as our opinion, that no advantage was likely to arise from sending an agent beyond what might have been expected from the employment of an established house in London. The fact we are to mention affords reason to apprehend that the commission allowed Mr. L. was not the only loss which the public sustained by his being employed. In the course of our enquiry we discovered that Mr. L. received certain compliments or gratuities from Messrs. Thorley and co., who were employed to make the purchases at Riga. Although it was established that gratuities had been received, yet we could not procure any information, on which we could depend, as to their probable amount. The part, we learned, was in goods, which consisted of Fir Timber and lathwood, purchased by Mr. L. in the Mast ships, to cover their stowage. We were at some pains to ascertain the sum, which this timber and lathwood yielded to Mr. L., and with a view we required Messrs. G. Thornton and son, by whom it was disposed of, to lay before us the accounts of sale; but we were not entered them in the Appendix, as Mr. L. in his letter to us of the 6th of 1805, states the proceeds of the Timber to be 12,187*l.* 14*s.* 3*d.* and the proceeds of the lathwood, including some charges of carriage, at 2,944*l.* 0*s.* 0*d.* making in the whole 15,062*l.* 14*s.* 3*d.* which sum corresponds with that we had collected from Messrs. G. Thornton and son's accounts. It is stated by Mr. L. that a part of this Timber was given to him by Messrs. Thorley and co, and that they drew from Messrs. G. Thornton and son on his account for the remainder. We have not found it to be impossible to obtain from any precise information on this point stated, that he could not say what portion of it had been drawn for, and that

was not in possession of any account by which it could be ascertained, owing to his having been robbed of his books and papers as before mentioned.—There was a speculation in Petersburg Hemp on the joint account of Mr Lindegren, Mr. Morison, and Messrs. G. Thornton and son. This Hemp was sold by the latter, who gave Mr. L. credit for his proportion of the proceeds of the sale, amounting to 4,447*l.* 5*s.* 3*d.* Mr. L. at first stated to us, he considered this speculation as a part of the compliment from Messrs. Thorley and co., as they did not draw upon him for his share of the prime cost; but he afterwards declared though very vaguely, that, upon a reference to the books of Messrs. G. Thornton and son, some sums appeared to have been drawn by Messrs. Thorley, Morison, and co., which he considered to have been on this account, though he could not distinguish the sums, nor had he any account that would assist him in this particular. We also discovered, that in 1799, Mr. L. received from Mr. Morison a farther gratuity in money, which the latter states to have been about 1,200*l.* and the former about 1,000*l.*—We felt it to be our duty to question both Mr. L. and Mr. Morison very particularly as to the nature and amount of the compliments or gratuities which had been received by the former. We did not, however, obtain any satisfactory information from them; but it is stated by Mr. Morison, that “he rather thinks, to the best of his recollection,” the compliment to Mr. L. was made to be nearly adequate to 1 per cent. on the gross amount of the purchases subsequent to 1795.—An agent with a commission should not have received any compliment from the merchants whom he employed to purchase the articles on the public account. If the merchants had only a fair remuneration for their services, they could not afford to make such presents; and, if it was a part of the agent’s duty to protect the public interest against any fraud or abuse which might be practised by those whom he employed, it was not likely that this service should be faithfully performed by a person to whom the presents were made.—There is another part of Mr. L.’s conduct which our duty requires us to notice, namely, his applying the public money to his private advantage. Having had occasion to require Messrs. G. Thornton and son to produce to us their account with Mr. L. of

his transactions with the navy board, intitled, “his account of Naval Stores imported, for the years 1795, 6, 7, 8, and 9,” and observing, that the balances of some of those accounts had been transferred to Mr. L.’s particular accounts, we caused them to be laid before us, and in consequence discovered that Mr. L. had received the following sums of public money from Messrs. G. Thornton and son:

1796. Feb. 27. Cash paid him . . .	£9,530 0 0
April 29. Amount of Hanbury and co.’s draft of the 10th of Nov. . .	10,624 14 3
Balance of account of Naval Stores imported, carried to the credit of Mr. Lindegren’s particular account	7,237 8 3
1797. June 2. Ditto	15,674 19 7

£43,067 2 1

The bills drawn at Riga in payment for the articles purchased by Mr. L. as well as all the expences attending their importation, were paid by Messrs. G. Thornton and son, to whom, in fact, the money necessary for that purpose was issued by the navy board, although the bills were made out in Mr. L.’s name. It was not therefore right or necessary that Mr. L. should have withdrawn from Messrs. G. Thornton and son more than the amount of his commission upon the articles purchased. Mr. G. Thornton, who acted as attorney to Mr. L., states, that he was unacquainted with the amount of his commission, and that when he called upon him for money, he paid it to him.—At the time Mr. L. had received the sums amounting to 43,087*l.* 2*s.* 1*d.* from Messrs. G. Thornton and son, he could only be entitled to his commission on the articles imported in 1795 and 1796, amounting to 20,248*l.* 4*s.* 2*d.* leaving a balance of the public money in his hands of 22,838*l.* 17*s.* 11*d.* above the amount of his commission.—In excuse for this conduct, Mr. L. stated, that he never added together the sums he received from Messrs. G. Thornton and son, to ascertain whether they exceeded the amount of his commission; and that the sum of 10,624*l.* 14*s.* 3*d.* drawn for by Messrs. Hanbury and co. was carried to the debit of his account of Naval Stores imported, by mistake, as it should have been carried by Messrs. G. Thornton and son to his private account; and, with respect to the other sums, he could not recollect why they had been carried to his particular account.—The evidence given by Mr. L. having appeared to us to be very vague and inconsistent, we issued our precept to Messrs. G. Thornton

and son for Mr L.'s letters to them, between the years 1795 and 1797, on the subject of the Naval Stores purchased by him for the service of the navy.—From the letters which were in consequence laid before us we discovered that so far from the bill for 10,624*l.* 14*s.* 3*d.* drawn by Messrs. Hanbury and co. on Mr. L.'s private account, having been carried by Messrs. G. Thornton and son to his public account by mistake, it was done at his express desire, as appears by his letter to them of the 22*d* of Nov. 1795; and that he also directed them by letter of the 1*st* of June 1797, to place to the credit of his particular or private account the sum of 15,674*l.* 19*s.* 7*d.* being the balance of his public account, dated the 30*th* of May 1797.—Mr. L. in transferring public money to his private account with Messrs. G. Thornton and son, had not only the means of employing it in his private speculations, but he derived an immediate advantage from the transfer, as Messrs. G. Thornton and son were in the practice of allowing him interest at the rate of 5 per cent. per an. upon the balance of that account. It is evident, that when Mr. L. transferred to his private account any of the public money advanced to Messrs. G. Thornton and son, to employ it for his own benefit, greater sums must have been advanced to them than the exigencies of the service would otherwise have required. But Mr. L. has endeavoured to establish by his evidence, that no such consequence arose from his conduct. This result however is apparent; for in the same letter by which he directs the transfer of public money to his private account, he desired Messrs. G. Thornton and son, whenever they are likely to incur any new advances on the public account, to apply to the navy board who will immediately pay them the same; and on referring to the account of the imprests granted by the navy board, for this service, we find that within a fortnight after the date of that letter, they issued imprest bills to the amount of 55,000*l.*—Having in the course of our examination of Mr. L.'s accounts, observed that there were notations upon the policies of insurance, which had been mostly effected by Messrs. G. Thornton and son at the Royal Exchange and London Insurance offices, of an allowance of discount at the rate of 10 per cent. upon the amount of the premium, we were led to enquire upon what ground this allowance had been made, and examined Samuel Fenning, esq.

constant director of the Royal Exchange Assurance office, from whom we learned that upon all ready money payments, (in which light they consider payment within 8 months,) they make an allowance of 10 per cent.—This allowance upon the aggregate of the sums paid for insurance by Messrs. G. Thornton and son, in the years 1795, 96, and 7, amounted to about 5000*l.*; and as Mr. G. Thornton stated that navy bills had been issued punctually on the application of his house, for defraying all the expences, it appeared to us that the public were entitled to any allowance that might be made for the prompt payment of its own money; more especially as a specific commission was given to Messrs. G. Thornton and son for the performance of all the business in this country attending Mr. L.'s purchases.—By the evidence of the Comptroller and Mr. Gambier, it appears to have been the intention of the navy board, that Messrs. G. Thornton and son should not have had any allowance beyond their stipulated commission, and that the circumstance of the allowance of the 10 per cent. had neither been noticed by the board, nor represented to them by the clerks who drew out the statements of Mr. L.'s accounts.—Mr. G. Thornton informed us, that he had not carried to the credit of the public the discount on paying the premiums of insurance, because it was not customary among merchants. We examined John Julius Angerstein, Thomas Bonar, and Anthony Brough, esqrs. as to the usage of merchants in this respect. The two former could not speak to the point in question; but by the latter we were informed, that it was not usual for merchants to account for this allowance, unless there was a specific agreement for that purpose.

Where irregularities or abuses in any of the public departments, such as we have had occasion to notice in this Report, have arisen from a want of sufficient vigilance and attention to the examination of accounts, the means of preventing them are to be looked for not so much in new regulations as in an increase of vigilance and attention. Still there are some regulations connected with the subjects of this enquiry, which we think it may be advantageous to adopt.—Whenever it may be judged advisable to employ agents to make purchases for govt., we recommend that the public boards should previously stipulate with them, that the rate of commission which may be agreed upon, shall constitute the whole of the remuneration, and that

such agents should be required to produce, together with their accounts, affidavits that they were not in any way interested in the articles purchased previous to their being obtained for govt.; that they neither have derived, nor will derive, any profit, advantage, or emolument, from or by reason of their employment, either directly or indirectly, beyond the amount of their stipulated commission; that their accounts are just and true; and that, in their transactions, they have exerted themselves in every respect to the utmost of their ability for the benefit of the public. An oath nearly similar to the above is required from the agents employed by the victualling board; but the precaution has not yet been adopted by the navy board.—The greater part of the imprest bills issued by the navy board are made payable at 90 days date, bearing interest at the rate of $3\frac{1}{4}$ d. per cent. per day; the amount of which is added to the sum of the bills. On an inspection of the imprest ledgers kept in the office for comptrolling the treasurer's accounts, we found it was the practice to charge the individuals to whom money has been advanced in this manner, with the principal sum of the bills only, without noticing the interest. From this circumstance they are not necessarily called upon to account for the interest, which is to all intents a part of the sum of the bill; and, should the bill not be negotiated, is as much the property of the public as the specific sum for which the bill is issued. It is stated by the chief clerk in the office for bills and accounts, that it is not the usual practice to call upon individuals, when they render their accounts, to know whether any interest had accrued upon the bills previous to their being negotiated; and in a former part of this Report we have observed that Mr. Lindegren had omitted to give credit for the interest on some bills, which had been imprested to him. In order to secure to the public the full produce of the bills which may be issued in this manner for the future, we recommend that the individuals should be charged in the Imprest Ledger with the full amount of the bills, including the interest.—We are of opinion, that no account of the expenditure of public money should be received by the navy board, without a general account current of the receipts and disbursements. It has been stated to us by the chief clerk in the office for bills and accounts, that, upon referring to accounts passed as far back as 1757, he found ac-

counts current had been invariably produced. This renders it more extraordinary that Mr. L.'s various accounts, which exhibited only a collection of the disbursements, should have been passed without his producing an account current.—In our examination of some of the accounts of Mr. Lindegren and Mr. Smalley, for the purchases of Naval Stores, which had been passed by the navy board, we had occasion to observe, that the accounts so passed had not the signatures or initials of the clerks, whose duty it was to examine them; nor of the members of the committee who had approved them; nor of the members of the board, by whom they had been allowed.—Nothing, in our opinion, can tend more to enforce a strict and regular attention to the examination of accounts, which is so essential to the protection of the public interest against fraud and error, than the imposing of individual responsibility on the persons who may be employed in that important duty. With this view we recommend, that the clerks, who examine the castings of the vouchers to accounts, should note the time, and affix their signatures thereto; that the clerk who examines the account as to its propriety and consistency with the board's orders, and makes the official statement thereof, should bring together, in the form of a certificate, the objections which may appear to passing the account, and sign his name thereto, and note the time of his so doing; that the committee of accounts having satisfied themselves of the propriety or impropriety of the charges made, should, on referring the account to the navy board, note the time and affix their signatures to the minute, stating their approval or objections to the account; and that the navy board should, in like manner, note the time, and also affix their signatures to all minutes directing accounts to be passed.—We are also of opinion, when accounts are directed to be passed, that the clearing bills should be immediately made out, and not neglected, as appears to have been the case with some of Mr. Lindegren's for upwards of a year.—We are further of opinion, that when accounts are passed, none of the papers or documents furnished as vouchers thereto should be returned to the accountant; but that they should be retained by the public board, as their authority for allowing the charge, in support of which they may have been produced.—In a letter from the Navy Board, they express a wish, that their proceedings should

be judged by the correspondence and other official documents and statements, and not in any instance solely upon the evidence of individuals. We readily subscribe to this request, and, in all cases where it has been practicable, we have endeavoured to pursue this course; but instances have occurred, in which these sources of information have failed. We have not always been able to learn from the official papers whether particular acts have been done, what orders have been given, and upon what grounds certain measures have been adopted or rejected; and we have therefore been obliged to seek information from the members of the board.—It is only by rendering the minutes of the board more perfect, that difficulties of this sort can be removed.—We must not be understood to mean, that reasons should be recorded in every matter of common occurrence brought before a committee or the navy board for their determination. We are sensible that the multiplicity of business would render this impracticable; but, where questions of moment have been brought under consideration, and important measures have been decided upon, it becomes a security for the rectitude of such measures, that the circumstances and reasons leading to the decision upon them should appear in the proceedings; no room is then left for misrepresentation in after times, and the future members of the board may derive from thence a knowledge not only of the practical part of their duties, but of the grounds upon which those duties were established. (Signed)

CHARLES M. POLE.

EWAN LAW.

JOHN FORD.

HENRY NICHOLLS.

W. MACKWORTH PRAED.

Office of Naval Enquiry, Great George-street, 9th Dec. 1805.

TRANSFER OF CONTRACTS.

Having in the course of our Enquiry into the subject of this Report, required Mr. Lindegren to produce to us his account with Messrs. Thorley, Morison and co., in which he had given them credit for the proceeds of the Masts, belonging to the public, that he had received out of Portsmouth yard, we discovered some circumstances relative to the Transfer of Contracts, which we think it our duty to notice. In that account Messrs. Thorley, Morison and co. are charged with the sum of 12,000*l.* as the consideration for the

Transfer to them of 3 Mast contracts with the navy board; two taken by Mr. L., and one by Mr. Samuel Sanders. The first entry is a charge of 3,000*l.*, as an allowance to Mr. L. for giving over his Mast contract in 1799. This contract was entered into by the navy board with Mr. L., on the 3d of May 1799, for the supply of Riga Masts at his maj.'s several yards. The total amount of the price of the articles contracted for was 42,644*l.*; and the sum of 3000*l.* charged by Mr. L. for the transfer of that contract, was at the rate of 7 per cent.; but we find, that not one half of the articles contracted for was delivered, owing to the restraint laid by the emperor of Russia on the exportation. The articles that were not delivered are enumerated, with their prices, in Mr. S. Sanders's contract of the 2d of May 1800, amounting to 26,534*l.* 7*s.* 0*d.* it therefore appears that the sum charged by Mr. L. for the transfer of his contract in 1799, is at the rate of 18*l.* 12*s.* 5*d.* per cent. on the amount of the Masts delivered.—The second and third entries relate to the contract entered into by the navy board with Mr. S. Sanders, on the 2d of May 1800, for supplying his maj.'s several yards with Riga Masts and Fir Timber. For the transfer of this contract, Messrs. Thorley, Morison, and co., were charged with the sum of 5,000*l.* paid to Mr. Sanders by desire of Mr. Morison, and 2000*l.* for Mr. Lindegren's allowance on that contract.—The price of the goods contracted for amounted to 150,966*l.* and the sum given by Messrs. Thorley, Morison and co. for the contract, is at the rate of 3*l.* 6*s.* 2*d.* per cent.—On questioning Mr. L. as to the charge for the allowance made him on this contract, he stated, that it was for negotiating the assignment of it, and for attending the surveys and deliveries of the articles at Portsmouth and Plymouth yards; and that he performed that service pursuant to a promise he had made for that purpose. We however found that Mr. L. had been allowed the usual commission for transacting this business at Portsmouth, and that Messrs. Chapell and Hodge were employed to attend to the deliveries at Plymouth, for which they were allowed the usual commission.—It will be observed, that the terms, on which the navy board agreed with Mr. Sanders for the supply of Masts in this year, are lower than those allowed him for the Masts added to his contract, which were not delivered under Mr. L.'s contract of 1799. The rea-

...this ... well as ... the contract ... are con- ... 19th of Oct. ... account is a ... to Mr. L. ... Must con- ...—In this year, the ... contract with ... at Ports- ... with Messrs. Thorn- ... the supply of the ... contract was ta- ... of Mr. John ...—We learned from Mr. ... which he had debi- ... Morison and co., for ... contract, had been cal- ... of 3 per cent. upon the ... contract, and that ta- ... Thornton, Brothers and ... at all events, to have the ... 4,000*l.*, but that if the ... the deliveries under both ... should amount to more than ... was to be paid the surplus also. ... appeared to us extraordi- ... per-centage allowance ... might consent to give Mr. L. ... deliveries under his contract, in ... of its being made over to ... we cannot see upon what ground ... could expect the same allowance, ... contract taken by Messrs. Thorn- ... and co.: 3 per cent. upon ... of these contracts make about ... and this sum upon the amount of Mr. ... contract only would be at the ... of nearly 7 per cent.—In our Seventh ... (see vol. 3. p. 1100) we recom- ... that all persons interested in Con- ... should be named therein, and that ... interest in contracts should be ... without the knowledge and ap- ... of the public boards. The facts ... ed evince the propriety of this re- ... and it appears to us, that ... advantageous to the public, if ... having contracts with the public ... were restrained from deriving any ... from the transfer of them, and were ... to transfer them, without first ... oath that they are not to derive ... emolument from the transaction. If ... be made on such terms as to af- ... a fair profit to the persons contract- ... the supply of the article ... con- ... as certain; and if

ably expected, of their kind: but if be such as to re the supply of the and it may be ap not be of the best suffered to be sol the approbation advantages, whic public would der beral terms, are although the orig to yield a consid required for the bitant as to rende articles can be the persons to transferred. (Sh

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WE have proceeded to the execution of the trust, which your maj. has been pleased to repose in us, in the order which seemed the most likely to enable us to accomplish the objects for which we were appointed. With this view we have not only considered, with great attention, the many useful suggestions in the very able Reports of the different Boards of Enquiry and Select Committee on Finance, but have deemed it necessary also, carefully to peruse all such official or other authentic documents, as could give us information concerning the administration of the civil affairs of the Navy from the earliest times.—By observing what changes have, at different times, taken place in the system of Management; what abuses have prevailed; what means have been tried to prevent their continuance; and what success has attended the measures, which on former occasions have been adopted; we thought it probable that we might receive information that would assist us in judging of the alterations which might now be necessary, to adapt the whole to the present very extensive Scale of the Naval Service; and that by comparing what was accomplished in times of the greatest exertion, by the number of Artificers and Labourers then employed, with what is now done in the royal Dock Yards, as well as by obtaining information from merchants builders of the work performed by the numbers employed in private yards; additional means might be acquired of judging of the industry of those at present in your maj.'s service. From the whole, we hoped to be able to form some estimate of what may in future be expected, and of the establishment, which may, under proper regulations, be adequate to the management and support of the Naval force, which may be deemed necessary for the security of this country.—To the numerous official documents, and written or printed authorities which we have perused, we shall refer as the occasion may require, and shall therefore now only give, as briefly as we can, such a general view of the means, which, during different periods, have been taken for providing a Naval force for the defence of this country, and for the Civil government of the navy, as may render it unnecessary to be so full in those references, or in our observations upon them, as for the sake of clearness might otherwise be requisite.

VOL. VI. *Appendix.*

The whole of our Naval History may be divided into Three Periods; the *first* comprehending all that preceded the reign of Henry the 8th; the *second* ending with the restoration of Charles the 2d; and the *last*, coming down from the Restoration to the present day.

First Period.

During the First period it appears, that our kings had neither arsenals nor Dock yards: their only permanent Naval force consisted of 57 vessels, each carrying 21 men and a boy, well armed and fitted for war, which the Cinque ports were bound by their charters to furnish on 40 days' notice from the crown.* When in a case of war a greater force was required, ships were hired from merchants at home, or from those in Dantzic, Hamburg, Lubec, Genoa, and other ports, or were fitted out from various motives by private adventurers, who shared in the advantages acquired: trading vessels, having in those times no protection from ships of war belonging to their respective governments, were necessarily armed for their own defence.

Second Period.

The foundation of the Navy of England was laid by Henry VIII. He constituted an Admiralty and a Navy Board, and during his reign, the Trinity house, and the Dock Yards at Deptford, Woolwich, and Portsmouth, were formed: the regulations which he made for the Civil govt. of Naval Affairs were, in the reign of Edward VIth, revised, arranged, and turned into ordinances which form the basis of all the subsequent instructions given to the officers, to whom the management of the Civil Affairs of the navy has been committed.—The officers then appointed were, the Vice-Admiral of England; the Master of the Ordnance; the Surveyor of the Marine Causes; the Treasurer, Comptroller, and General Surveyor of the Victualling, Clerk of the Ships, and Clerk of the Stores.—Particular duties were allotted to each member; and they were ordered to meet once a week at the office on Tower hill, to consult together for the good order of the Navy, and to report their proceedings once a month to the lord high admiral.—But the ships belonging to the crown or provided by the civil department of the navy, still

* Extol states, that "in the Admirals Commissions of old, they are named Admirals of the Ships of the Cinque ports and other ports;" without any mention of the ships of the king. Pepys Naval Minutes, MS. p. 71.

Third

On the restoration of the duke of York was in lord high admiral, an committee was named to posed by himself, for of the affairs of the duke himself preside he appears to have and assistance of Mr first, held the office and was afterwards s ralty: a man of ext in all that related to department, of great indefatigable industr ings of the duke of ment of the Navy, lord high admiral, on throne, are minutely number of manuscrip psonian library at Car volumes have, at our our perusal.—The p before granted to the Admiralty and the called, and the enti put into the hands of high admiral; by wl missioners were appc treasurer of the na the Surveyor, and the principal officers and navy.—In 1661, th Standing Orders for principal officers and Navy, and the superi Yards, which are still the Navy Board by These had been form by Mr. Pepys, and t since of great use a nagement of the Na appears, that after th great progress was v the reparation and but on his return fro end of the Dutch w in 1664, he found th therized the Navy I addition to their estc exigencies of the w the same careful man continued during his: ple of zeal and indus in his office of Clerk born sufficient, with authority of the duke the other departmen

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Dock Yards had suffered greatly in consequence of it.—After minute enquiry into the circumstances, a state of the case was, by order of the duke, drawn up by Mr. Pepys and sent to the Navy Board, in which the duties of the board, and those of each member of it, taken from the Instructions before mentioned, are stated in different heads, and under each head the errors and misconduct that he discovered in the execution; requiring a written answer, in a short limited time, from each of them. The answers were given, and in reply a second paper was sent to each, pointing out what part of the charge remained unaccounted for: but finding, at the same time, that a part of the blame was justly to be imputed to the irregularity and remissness of government, particularly in the supply of money for Naval purposes, in consequence of the “deplorable condition of the King’s Treasure,” he continued those officers in their employments, warning them that on any new neglect they would be removed.—The duke of York remained lord high admiral till 1673, when, in consequence of the test required by parliament, to which he would not submit, he resigned; and that office was in part put in commission, and the rest retained by the king. Prince Rupert was put at the head of the commission, and Mr. Pepys was at the same time raised to the office of secretary of the king in all naval affairs, and of the Admiralty; by which means his influence was increased, the current business, by the king’s direction, came to be left almost entirely to him, and, on extraordinary occasions, when the commissioners met, the duke of York assisted: the careful management which he had established, was consequently not departed from, or relaxed till 1679; at which time there were in sea-pay, and in excellent condition, 76 ships of the line, all furnished with stores for six months, 8 fire-ships, besides merchant-men, and a numerous train of ketches, smacks, yachts, &c. with more than 12,000 seamen; there were also 30 new ships building, and a good supply of stores in the Dock Yards.—But a complete change then suddenly took place;—the loose dissipation of the king having still added to his great pecuniary difficulties, he was induced to give up the plan, which he had formerly pursued with so much zeal, of supporting and increasing the Navy, on account of the expence attending it. The duke was sent abroad, and Pepys

to the Tower. A new set of made commissioners of the Navy, though of fair moral character, without the experience, ability, or which that important situation required. All the wise regulations, formed in the administration of the duke of York, neglected; and such supineness appeared to have prevailed, and that not more than 5 years, when he was called to the office of lord high admiral. 22 ships, none larger than a fourth rate, 2 fire ships, were at sea;—those in were quite unfit for service; even new ships which he had left building, suffered to fall into a state of decay; and hardly any stores were to remain in the Dock Yards. The act of the duke of York on his retirement, the re-appointment of Mr. Pepys, secretary of the Admiralty; and his conduct on that occasion in the management of the affairs of the navy, bears conspicuous marks of professional knowledge, moderation, and economy with firmness and wisdom. He proceeded with great earnestness to the examination of the superintending officers, by giving them a year of trial, to correct their neglect, which their former neglect had produced. At the end of that year, observation made, and then unequal to the task, the greatest pains were taken to select the ablest and most intelligent; whose care the re-establishment of the Navy, the remedy of abuses, and the restoration of order and discipline were committed.—In the manuscript copy of Mr. Pepys, there is a paper prepared by the duke’s command, containing all the great Ship-builders in England, their characters, in respect of fitness for the objects which he had in view. These, sir Anthony Dean is stated to be a man of by far the greatest abilities; indeed, without whose assistance proposed reform could not be made; being applied to, he declined the appointment, his professional emolument was greater than those offered to him. On the advice of Mr. Pepys a full compensation was given to him for the loss of the command; and he was, with three others, then joined with the former principal officers in a new commission.—The commissioners were men, in the opinion of Mr. Pepys, possessing “a practical knowledge of every part of the works and methods of the Navy, both at the

... were wisely left unaltered. The Admiralty continued to be carried on, under the sanction of the king, by the arrival of admiral Hervey from the Fleet, into which he silently let it pass. The system formed by the aid of the civil government has ever since been followed. Those proceedings were not only because the civil affairs of the country had been conducted, war was settled; but because they gave very useful information, an example which was in the present times the fleet, and the whole of those few years of experience, how essential to this country, it means should be to any negligence in the great work of re-establishing order, in the Dock Yards, at a time, by the commission with so much care, in a convincing manner, he having the civil affairs under the management, a professional knowledge of industry. An attempt to recommend to go of them, no other than their being the fittest to the execution of the duties they are to undertake. It is far from being it may be our duty to the principles on which the regulations and orders are stood the test of time by long trial to be great objects of their orders and regulation suited to the state of the then stood, have necessary additions, in consequence of that force place; and those occasionally made, the principle which they were not appear to have view: different orders in certain cases, in some have

On the 1st of the line, at sea, or going forth	52
Under repair	41
To be repaired	8
Newly come in from Sea	3
	4

108

with a considerable number of vessels of smaller size.—Those measures which had been so judiciously planned, and so ably and expeditiously executed, gave, as might be expected, the most general satisfaction. The Revolution took place within two months after the business of the committee was completed; but the Navy

were wisely left unaltered. The Admiralty continued to be carried on, under the sanction of the king, by the arrival of admiral Hervey from the Fleet, into which he silently let it pass. The system formed by the aid of the civil government has ever since been followed. Those proceedings were not only because the civil affairs of the country had been conducted, war was settled; but because they gave very useful information, an example which was in the present times the fleet, and the whole of those few years of experience, how essential to this country, it means should be to any negligence in the great work of re-establishing order, in the Dock Yards, at a time, by the commission with so much care, in a convincing manner, he having the civil affairs under the management, a professional knowledge of industry. An attempt to recommend to go of them, no other than their being the fittest to the execution of the duties they are to undertake. It is far from being it may be our duty to the principles on which the regulations and orders are stood the test of time by long trial to be great objects of their orders and regulation suited to the state of the then stood, have necessary additions, in consequence of that force place; and those occasionally made, the principle which they were not appear to have view: different orders in certain cases, in some have

these given to one Dock Yard have not, on all occasions, been given to the rest, though necessary to preserve uniformity in the management.—The inconvenience arising from those causes naturally increasing with the progress of time, and the extension of the service, the attention of the admiralty came at length to be necessarily called to it; and in their orders to the navy board, dated the 24th of June 1764, and 23d of June 1767, they stated, “that though the orders and instructions given for the general government of the yards and ordinaries may be sufficient for the wise purposes intended by them, yet as they are dispersed without order or method in a variety of warrants issued at different times, through a long series of years, they do not afford, in a proper and clear manner, the information necessary for the conduct of the officers and workmen of the yards; and they therefore direct the navy board to proceed immediately to arrange and digest the said orders and instructions under proper heads, so as to compose one uniform body and system out of the whole, taking care where there are any repetitions of the same order, to adopt that where the sense is most clearly explained, and best enforced;” but the arrangement thus proposed, owing to various causes, has never been carried into effect; and from the late great addition to our navy, and the accumulation of orders and instructions in consequence of it, still issued without any retrospect or systematic regularity, the evil which the admiralty had it in view to remedy, is now immensely increased; and the bringing into clear and regular order what is at present a great and undigested mass, is a work of so great magnitude and difficulty, that it could not reasonably be expected to be accomplished by a board loaded, as the navy board has been with business. Great progress was, however, made by one of our number, while he was comptroller of the navy:—a book, in which all orders and regulations, prior to the year 1786, were classed and digested under distinct heads, which he had prepared, was submitted to the perusal of the commissioners appointed in 1787, to “enquire into the fees, gratuities, perquisites, and emoluments of the several public offices, and also into the abuses that may exist in the same;” who, in their 6th report, thus express themselves, “the numerous regulations and standing orders, which have from time to time been made for the good

government of the Dock Yards, be reviewed, put in order, and so as to be referred to on every occasion; and they add, “the navy board, in the peace, had the measure under consideration, and a considerable progress been made therein. We have examined the mode of its execution, and we highly approve, and recommend it to be carried fully into effect.” And the commissioners of Naval Enquiry appointed in 1803, observe, that “the necessity of revising the instructions, and digesting the immense mass of orders, which have been given to the officers of the yards, was seen by the late earl Howe and sir John Mordaunt when they presided at the dock and navy boards; and the board had made some progress in so useful a task, when he quitted the navy board; but at that time the subject has not been attended to, no steps have been taken towards digesting the work, and it seems to have been laid aside, and wholly forgotten. It is much to be regretted, that the useful work was not accomplished, which would have greatly facilitated the government of the Dock Yards, and afforded the navy board a comprehensive view of the standing regulations whereby they have been enabled to keep a better check upon the due observance of them. The course of this report will shew that it has not existed.”—The Digest Book, in the manner approved of, and recommended by those different boards, has been given to us; and after the fullest consideration on the subject, we have made such alterations as we thought to us to be necessary, and completed it by the addition of all the orders and instructions down to the present time. We have proceeded to prepare, as the subject of our First Report, the Instructions for the guidance of the Resident Commissioners of the principal Officers of the Dock Yards; concurring, as we do, with the Commissioners of Enquiry, in their opinion, that there is the most occasion for them. Those Instructions, the original plan of which was drawn up by the Duke of York and Mr. Pepys, are now followed, and forms the basis of the regulations we have done on all the branches of the service contained in it.—We began by calling on the commissioners of the navy to send us, copies of all warrants, standing orders, and instructions, issued from the board from the earliest period to

sent time; and from the collection which we received in answer to that precept, we selected all such as were connected with the duties of the principal officers of the Dock and Rope Yards, and sent them to the commissioners, requiring them forthwith to transmit them to those officers, with directions to take the same into their immediate consideration, each in his own department, and to point out what part of those orders they considered to be inconsistent with the present extended scale of the naval service, and what other instructions they might deem requisite to render the execution of their respective duties more clear and intelligible to them; desiring also that the commissioners would inform us whether they themselves considered those instructions to be sufficient for the good government of the different officers, or if they did not, that they would suggest what might further appear to them to be still necessary for that purpose.—Returns from the principal officers in the Dock Yards were sent to us by the commissioners, with an assurance, that if any thing else should occur to themselves, it should be communicated agreeably to our requisition; but no communication of that kind having been made to us, the Instructions, after incorporating what appeared useful in the suggestions from the officers in the Dock Yards, were again sent to the navy board, desiring to have their approbation, or a statement of such alterations as they would think it advisable to make; and they have since returned them to us, proposing some alterations, a part of which we have adopted.—The Officers to whom Instructions are to be given in this Report, are, the Resident Commissioners in the Dock Yards, and all those who are called Principal Officers, being, 1. The Master Attendant; 2. Master Shipwright; 3. Clerk of the Check; 4. Storekeeper; 5. Clerk of the Survey, and 6. Clerk of the Rope Yard. But there being some parts of duty in which all of them are intrusted, we have judged it necessary to prepare the following General Instructions respecting those parts, as well as Particular Instructions to each Officer. [Here follow the General Instructions for the Officers of his majesty's Dock Yards.]

The Commissioners, appointed in 1788, have observed, "That the Commissioners of the Dock Yards have not any Instructions; that they ought to be sea officers of great experience, both in the civil and military

department of the navy; and that they propose, that upon vacancies from the navy board, attention should be given consequence to that proper instruction for them." In this we perfectly concur, and as they have proposed as a Regulation never in supplying vacant important office; and the Commissioner shall be at the Yard till he has acted as the board of Commissioners of a ship, incorporated in the service of the commissioners of the navy, constantly correct as representative of the duties, enforcing the Instructions transmitted through the officers belonging to the navy board.—Excepting the navy board, the commander in chief of the navy, or repairs to ships, assistance, orders and properly originate within the navy board, which is generally composed of those received from the current services (previous that officers will be long and active service of the navy, had the means of obtaining information respecting all in the civil government of the navy, had the best preparation of the importance of this situation. The Commissioner in every or Deptford and Woolwich the immediate inspection of the navy board, and one or more of its principal officers. The Commissioners appointed in 1803, thus express themselves: "Though the Commissioner has authority employed in the yard, reward, promote, or to be entered into this circumstance, as he appears to have less workmen than any

seems to us a defect in the system, as we conceive all principals should have it more or less in their power to distinguish and reward the ability, zeal, and industry, of those employed under them; and without such power, we apprehend authority will seldom be respected."—But though the Resident Commissioner has not had the power delegated to him of bestowing rewards and promotions at his own pleasure, yet, being the correspondent and representative of the board in the yard, he can at all times report to the board every proof of meritorious service, and recommend those who in his opinion are entitled to favour; and we have, in the following Instructions, made this representation of meritorious services a part of his duty.—With these means of obtaining rewards to those entitled to them, we are persuaded there is not any danger that the Resident Commissioners will not possess the chief influence which they certainly ought to have in the Dock Yards; and we do not think that the power of bestowing them can be placed more properly, or more safely, than with the board.—The following Instructions are what we think it necessary to give to this officer: [Here follow the Instructions for the Resident Commissioners at his majesty's Dock Yards.]

The various duties of the six principal officers of the Dock Yards before-mentioned will, we apprehend, be found to be sufficiently explained, and detailed with as much minuteness as can be necessary in the following Instructions, which we propose to be given to them. [Here follow the said Instructions.]

Our next Report will contain Orders and Directions for all the inferior Officers, and those will be followed by such Regulations and Instructions as we shall deem it proper to propose for the guidance of the commissioners themselves in the different boards, whose systems of management your majesty has been pleased to submit to our revision.—To prevent abuses or neglect, it is necessary that every person intrusted with an office, should be made strictly responsible for the regular execution of it. But before this necessary rule can be rigidly enforced, justice requires, that the officer should be made perfectly acquainted with all the particulars of his duty; and as it is admitted that this has not hitherto been effectually done, we thought that, in the order of proceeding in the execution of what is entrusted to us,

these instructions seemed to call for our first attention.

BARHAM.

JOHN FORDYCE

ROGER CURTIS

W. DOMETT.

AMBROSE SERT

Office of Naval Revision,

June 13th, 1805.

REPORT FROM THE COMMITTEE

TO DRAW UP ARTICLES

MENT AGAINST HENRY LORD

MELVILLE, PRESENTED

OF COMMONS 4th MARCH,

The Committee appointed to

cles of Impeachment again

Visc. Melville; and who

ed to report such further n

have come to their know

course of the examination

them, with respect to the

said Lord Visc. Melville, &

that he held the Office of

his Majesty's Navy; have

following Report.

Your committee have a

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ment against Henry lord visc

which they considered it the

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ces and transactions disclos

ports referred to them.—Th

applied themselves to the fur

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ports, and having obtained

material information which

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cessary to prefer an additiona

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lord Melville, they think it

viously to submit the same to

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committee has been particula

a sum of 10,000*l.* in which

stated himself to be indebted

pay office, when Mr. Trotter

pointed paymaster in Jan.

when, and for what purposes

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of lord Melville, is left by t

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It was manifest that it must

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pointment of Mr. Trotter; a

mer paymaster (the late Mr.

glas) executed that office du

of lord Melville's first treasur

much of the second as preced

ter's appointment; your committee thought it expedient to call for and inspect all such books, papers, and accounts of the late Mr. Douglas, relating to the navy pay office, as could be produced to them. Many of these were found in the possession of his widow, and the examination of them has, in the estimation of your committee, brought to light very important matter; the truth of which is confirmed by information derived from other sources.—It is already known to the house that lord Melville was first appointed treasurer of the navy on the 19th of Aug. 1782, and that by a warrant dated the 23d of Oct. 1782, his salary was increased to the net sum of 4,000*l.*, "in full of all wages and fees, and "other profits and emoluments theretofore "enjoyed by other treasurers of the navy."

—It now appears that lord Melville on the 20th of Aug. 1782, (the day after he first entered upon his office) constituted Mr. Andrew Douglas his paymaster; and that on the same day Mr. Douglas paid to the account of lord Melville at his bankers, Messrs. Drummonds, the sum of 1,000*l.* But as this advance seems to have been made to lord Melville from the private funds of Mr. Douglas, it is here noticed by your committee only to explain in part the subsequent transactions.—Your committee find, that until the 6th of Nov. 1782, all the money issued from the exchequer to the treasurer of the navy for naval services, was regularly paid upon his account as treasurer of the navy to the bank of England, whose clerks appear to have attended at the exchequer to receive it. On the 6th of Nov. 1782, this course of proceeding seems to have been, for the first time, departed from, there having been on that day 45,000*l.* issued from the exchequer to the treasurer of the navy for naval services, of which sum only 40,000*l.* was paid to his account at the bank, the remaining 5,000*l.* being, by the treasurer's order, deposited by the paymaster in an iron chest, then kept in the office cash room, and called by him the treasurer's iron chest. —On the 23d of the same month the sum of 50,000*l.* was issued from the exchequer to the treasurer of the navy, of which only 47,000*l.* was paid to his account at the bank, the remaining 3,000*l.* being placed as before in the iron chest. —On the 19th of Dec. 1782, a further issue of 93,830*l.* 6*s.* 10*d.* was made from the exchequer to the treasurer of the navy; of which only 90,830*l.* 6*s.* 10*d.* was

paid to his account being 3,000*l.* being in the iron chest.—C there was deposited further sum of 5,000*l.* received from the list's ex-treasurer's advance to that amount made to that ex-treasurer's account with a minute 30th of Nov. 1782 into this iron chest Jan. 1783, stand t 1782. Nov. 6. From t 22. From d Dec. 19. From d 1783. Jan. 2. From 1 ship

Making

How this sum (the treasurer of the navy) and by his order instead of being kept in the first instance explained by the account of Mr. Douglas.—By the 11th of Nov. 1782 deposit in the iron paymaster, delivered on his receipt, 500*l.* day 2,000*l.* more. month 1,000*l.* more delivered by him to the 25th the further on 19th of Dec. follow of 1,000*l.* and of delivered by the paymaster of lord Melville, upon with the former stating the particulars appears to have at ment to, and come with lord Melville. 1783, there remain 5,500*l.*; from which was on that day taken licence (then deputy) office payments, the residue of only 2,500*l.* residue was, on the delivered by Mr. Douglas upon his receipt.—It so deposited in the therefore that only paid out for naval wants, the remaining paid to lord Melville under; viz.

82. Nov. 11. From the chest to Lord Melville	500
12. Do.	2,000
22. Do.	1,000
25. Do.	3,000
Dec. 19. Do.	1,000
Do.	3,000
83. April 5. Do.	2,500

Making in the whole £13,000

which sum of 13,000*l.* Lord Melville stood indebted to the public on the 5th of April, 1783.—On the 10th of that month Lord Melville resigned his situation as treasurer of the navy, without having discharged any part of that debt, and leaving the balance of his treasurer's account at the bank deficient to the amount of the aforesaid sum of 13,000*l.*—On the 14th of April, 1783, four days after his resignation, the deficiency was further increased by a draft drawn on that day by Mr. Douglas, on the then ex-treasurership account at the bank, for 10,000*l.* which though made payable to Mr. Jellicoe or bearer, was not, it appears, delivered to Mr. Jellicoe, but was paid to Lord Melville, upon his receipt; making the deficiency in his ex-treasurership account at the bank, or, in other words, his debt to the public, amount to 23,000*l.*—And accordingly it is found, at the end of the same month, viz. 30th of April, 1783, the office balance against Lord Melville was £89,408 12 3 and the bank balance in his favour 66,408 12 3, leaving him deficient by 23,000 0 0.

The whole of this 23,000*l.* appears to have remained due from Lord Melville until the 24th of June, 1783, when the reduction of it was begun by a payment of 1,000*l.* made by Mr. A. Gray (a clerk in the navy pay office) to Lord Melville's ex-treasurership account, at the bank.—Between that time and the 31st of July, 1783, several similar payments were made by Mr. Gray, and by a commercial house trading under the firm of Mure and Manson, amounting in the whole to 22,000*l.* and reducing the debt of Lord Melville from 23,000*l.* to 1,000*l.*—The sums and sums of these payments will be in the following account:

To Lord Melville		Cr.	
£.		£.	
14. To Bank	1783:	June 24. By Gray	1,000
Balance 23,000		July 7. By Atkinson	5,000
		11. By Gray	1,400
		12. By Atkinson	6,000

L. VI. Appendix.

31.

By 1

23,000

From the 31st July, 1783, Lord Melville's re-appointment in Jan. 1784, he remained indebted to the public on the account of his ex-treasurership in the above sum of 7,600*l.* and on the 10th of it took place until the 1st of March, 1784, when a sum of 1,000*l.* was drawn out from his then second account at the bank, and credited there in the account of his ex-treasurership. On the 24th of June, 1784, the sum of 1,500*l.* was drawn out from the bank on the first of March 1785, another sum of 1,500*l.* were in like manner transferred from the account of the bank to that of the first treasurership, making in the whole 6,000*l.* and reducing the deficiency in the balance of his first treasurership to 1,600*l.* but at the same time the deficiency in the second account of 6,000*l.* in the bank balance was reduced to 1,000*l.*—The whole amount of the public money which Lord Melville from the bank, in respect, still remained the same;—It appears, however, that in the time, on the 20th of Aug. 1784, Mr. Douglas, the paymaster, drew from the account of the second treasurership at the bank a sum of 2,000*l.* for the use of Lord Melville, and on the 25th of May, 1785, a transaction took place to the satisfaction of which means Lord Melville became indebted to the account of his ex-treasurership at the bank as well as to the account of the first treasurership, as in the sum of 4,600*l.* before stated to have been transferred from it to the account of the first treasurership, as in the sum of 4,600*l.* from it for private use, making the sum of 10,000*l.*—The whole of 10,000*l.* and also the sum of 1,000*l.* to the account of the first treasurership continued unpaid by Lord Melville until the 6th of October 1785, when the deficiency was reduced to 9,000*l.* by a payment of 1,000*l.* (then due to Lord Melville for a quarter's salary) being credited to the account of the second treasurership at the bank. From that time until the death of Mr. Douglas, in Dec. 1785, the appointment of Mr. Trotter to the office in Jan. 1786, the deficiency continued the same.

unaltered, and there was due from lord Melville to the public 1,600*l.* in respect of his first, or ex-treasurership, and 9,000*l.* in respect of his second treasurership, making together the sum of 10,600*l.* Upon this statement it is evident that lord Melville had in his hands, when Mr. Trotter was appointed pay-master, 10,600*l.* of the public money, which had been withdrawn from the bank; and that the sum of 10,000*l.* which lord Melville told Mr. Trotter was due from him to the account of the second treasurership, was not a debt arising from any specific sum taken from that or the former treasurership, but was, with the addition of 600*l.* the undischarged residue of 27,000*l.* taken by him at several times from the public money; 23,000*l.* of it being originally taken from the issues to the first treasurership, and the remaining 4,000*l.* being taken from those made to the second.—At what times, and under what circumstances, the sums composing this 27,000*l.* originally came into the possession of lord Melville, your committee have thus been able to ascertain. For what further purposes they were withdrawn, and what uses lord Melville afterwards made of them, they cannot in every particular at present fully state to the house. But a part is found to have been paid to lord Melville's private account at his bankers, Messrs. Drummonds, and 1,000*l.* to have been applied on the 19th of Dec. 1782, in repayment of the sum before stated to have been advanced to his lordship by Mr. Douglas the day after his first appointment to the office. Other sums appear to have formed items of account between lord Melville and Mr. Gray, who, as already observed, was a clerk in the navy pay-office, and was, as your committee are informed, in the frequent habit of making pecuniary advances to lord Melville.—The application of the large sum of 10,000*l.* which was withdrawn on the 14th of April, 1783, by a draft in favour of Mr. Jellicoe, your committee have been able to trace; and it appears to have been used by lord Melville as a loan to the house of Muir and Atkinson, with whom he kept an account, and who appear to have been at that time in need of assistance. This advance will be found to have been more than discharged before the end of three months, by the repayments made by that house on the 7th and 12th July, 1783, to lord Melville's ex-treasurership account at the bank.—The use made of some of the smaller

sums will yet discovered with laid before that the were provision of t as to ad stances I voured t them to ther arti preferred

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1782.
Aug. 10.

Sept. 23.

Nov. 6.

Sept. 10.

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Dec. 19.

Remains

No. 2.—

Rt. Hon
Navy,
room.
Nov. 6.

Nov. 10.

Nov. 13. Delivered to the tr. per his receipt	2000 0 0	2500 0 0	1783. Jan. 2. Lodged in the iron chest, received from trash Ellis, for like sum referred at Plymouth
Remain		2500 0 0	
— 22. Delivered to the treasurer per his receipt	- - -	1000 0 0	— 4. Delivered to Mr. towards his off-ments per his receipt
		1500 0 0	
— 25. Lodged in the iron chest by the treasurer's order, part of this day's receipt for the use of the navy at the Exch.	- - - - -	3000 0 0	Apr. 5. Delivered to the treasurer this remainder as receipt - - -
		4500 0 0	— 5. Total as above delivered to the treasurer
— 25. Delivered to the treasurer per his receipt	- - -	3000 0 0	— 14. Draft on the Bank of England, per the treasurer, per
		1500 0 0	
Dec. 19. Delivered to the treasurer per his receipt	- - - - -	1000 0 0	Total borrowed from office
		500 0 0	June 24. Paid back by Mr. Grey 100
Lodged in the iron chest, part of this day's receipt at the Excheq. for the navy	- - - - -	3000 0 0	July 7. Paid back by Mr. Atkinson 500
		3500 0 0	— 11. Paid back by Mr. Grey 140
Delivered to the treasurer per his receipt	- - -	3000 0 0	— 12. Paid back by Mr. Atkinson 600
— 20. The above state was this day delivered, signed, to the treasurer, the remaining balance agreed in	-	500 0 0	— 31. Paid back by Mr. Atkinson 200

No. 3.—*Copy of another Account from the same Book*

Abstract State, &c.

1783.

April 14. Borrowed per acct. of this date	- - - - -	Of which, Repaid made to the Bank
		1783.
		June 24. By Mr. Grey 1000
		July 7. By Mr. Atkinson - 5000
		— 12. By Mr. Grey 1400
		. . . By Mr. Atkinson - 6000
		— 31. By Mr. Atkinson - 2000
		1784.
		June 30. Unpaid remainder
Balance per office cash book this day agreed		Unpaid remainder as above
1804.		In Bank, per bank book this
June 30. 1st treasurership	- - - 3108 12 3	Agreed 1st treasurership
2d treasurership	- - - 26343 7 5	2d treasurership
	29451 19 8	

Nos. 4, 5, and 6. *Statements of the Monthly Balances remaining in the Melville as Treasurer of the Navy, and accounting for the Deficiency Bank, and were found amongst Mr. Douglas's Papers.*

No. 4.—*State of the Balances in the Bank, in the second Treasurership of the Right Hon. Henry Dundas, June 30, 1784.*

Paymaster's branch	-	-	-	-	4281	0	0
Cashier's do.	-	-	-	-	19414	0	9
Victualling do.	-	-	-	-	8648	6	8
					<u>26343</u>	<u>7</u>	<u>5</u>
Cash in Bank	-	-	-	-	21843	7	5
Transferred at sundry times to 1st trshp.	-	-	-	-	4500	0	0
					<u>£. 26343</u>	<u>7</u>	<u>5</u>

No. 5.—*State of the Bank Account in the Treasurership of the Right Hon. Henry Dundas, March 31, 1805.*

Paymaster's branch	-	-	-	£. 5972	16	4
Cashier's do.	-	-	-	22192	19	7
Victualling do.	-	-	-	15352	10	9
Exd. p' F. Cooke.	-	-	-	<u>43518</u>	<u>6</u>	<u>8</u>
In Bank	-	-	-	35518	6	8
Sundry transfers from this to the 1st trshp. vide account of 30 June, 1784	-	-	-	4500	0	0
Transfer from this to 1st trshp. on 1st inst.	-	-	-	1500	0	0
				6000	0	0
Draft on the Bank of 20 Aug. last	-	-	-	2000	0	0
				<u>£. 43518</u>	<u>6</u>	<u>8</u>

No. 6.—*State of the Bank Account in the 2d Treasurership of the Right Hon. Henry Dundas, May 31, 1785.*

Paymaster's branch	-	-	-	£. 19832	16	4
Cashier's do.	-	-	-	54773	19	11
Victualling do.	-	-	-	13350	10	9
Exd. p' F. Cooke.	-	-	-	<u>£. 87959</u>	<u>7</u>	<u>0</u>
In Bank	-	-	-	77959	7	0
Sundry transfers from this to old account; vide account of 31 March 1784*	-	-	-	6000	0	0
Draft on the Bank of 20 Aug. 1784.	-	-	-	2000	0	0
Draft on the Bank of 25 May, 1785.	-	-	-	2000	0	0
				<u>£. 87959</u>	<u>7</u>	<u>0</u>

* This date is evidently a mistake; it should be 1785, as appears by the preceding account, No. 5.

No. 7.—*The following Account is extracted from the Books of Mure and Atkinson.*

Dr. Lord Advocate of Scotland,							
1780. Apr. To Balce. of Col. Dundas's acct.	-	-	-	£. 634	18	0	
1781. May 31. To cash paid his dft. dated 22d inst.	-	-	-	300	0	0	
Aug. 29. To do. pd. his dft. to Mr. Spottiswood	-	-	-	300	0	0	
Dec. 3. To do. pd. do. to Jas. Newbigging	-	-	-	300	0	0	
1782. Jan. 28. To do. pd. do. to do.	-	-	-	500	0	0	
June 15. To do. pd. Mr. Bell dft. dated 11th inst.	-	-	-	1200	0	0	
July 30. To do. pd. Ph. Dundas's bill to G. Urquhart	-	-	-	113	18	9	
Aug. 5. To do. pd. his dft. to W. Bell	-	-	-	100	0	0	
12. To do. pd. him	-	-	-	100	0	0	
21. To do. pd. Ph. Dundas's dft.	-	-	-	30	0	0	
31. To do. pd. do. bill to J. and D. Webster	-	-	-	182	0	0	
Sept. 17. To do. pd. his order to W. Bell	-	-	-	200	0	0	
26. To do. pd. do. dft. to Bell and Rannie	-	-	-	500	0	0	
28. To do. pd. do. bill to W. Bell	-	-	-	300	0	0	
Oct. 15. To do. pd. do. dft. to Sir W. Forbes and Co.	-	-	-	500	0	0	
19. To do. pd. do. to W. Bell	-	-	-	500	0	0	
Nov. 29. To int. on Col. Dundas's acct. to 11th Sept. last	-	-	-	130	14	4	
To cash for balance pd. him	-	-	-	11	0	7	
1783. Jan. 27. To do. pd. him	-	-	-	400	0	0	
Apr. 30. To do. pd. Capt. Dundas's dft. dated 19th inst.	-	-	-	600	0	0	

in Accont. Curr't. with Mure and Co.								Cr.
1782. Sept. 10. By cash recd. from R. Atkinson	-	-	-	-	-	3900	0	0
Nov. 16. By do. recd. from R. A.'s dft. on Smith and Co.	-	-	-	-	-	2002	11	3
1783. Apr. 17. By do. recd. from him	-	-	-	-	-	10000	0	0
19. By do. recd. from A. Gray	-	-	-	-	-	936	0	0
May 16. By do. recd. from Col. Dundas	-	-	-	-	-	600	0	0
June 12. By bills recd. from him on Coutts and Co. viz.	-	-	-	-	-			
Due 20 July	-	-	-	-	-	2000	0	0
30	-	-	-	-	-	2000	0	0
9 Aug.	-	-	-	-	-	2840	0	0
						<u>6840</u>	<u>0</u>	<u>0</u>

PARL. PAPERS.—First Report of the Commissioners of the

1. To do. pd. him the sum		
Feb. 19 April - - - - -	936	0 0
20. To do. pd. do. dft. dated 5th		
Oct. - - - - -	400	0 0
3. To do. pd. the Bank on his		
acct. - - - - -	5000	0 0
11. To do. pd. do. - - - - -	6000	0 0
21. To do. pd. do. - - - - -	2000	0 0
31. To do. pd. dft. to Mr. Bell	300	0 0
July 12. To do. pd. him - - -	2000	0 0
Feb. 13. To bills payable for		
H. Dundas's bill - - - - -	600	0 0
To balance - - - - -	140	0 0

£. 24278 11 8

Henry Colclander

THE FIRST REPORT OF THE COMMISSIONERS OF MILITARY ENQUIRY, APPOINTED BY AN ACT OF THE 45TH YEAR OF THE REIGN OF HIS PRESENT MAJESTY, CAP. 47; INTITULED,

An Act to appoint Commissioners to enquire and examine into the Public Expenditure, and the Conduct of Public Business, in the Military Departments therein mentioned; and to report such Observations as shall occur to them for correcting or preventing any Abuses and Irregularities, and for the better conducting and managing the Business of the said Departments."

ORDERED TO BE PRINTED 21ST MARCH, 1806.

THE OFFICE OF THE BARRACK-MASTER-GENERAL: ARREARS OF BARRACK OFFICE ACCOUNTS.

THE act from which we derive our appointment, received the royal assent on the 11th of June last; but circumstances, which it is needless to state, prevented our proceeding on the duties imposed on us, before the beginning of the following month. Our first object of deliberation was, to enquire on the department with which to commence our labours; for although the legislature had been sufficiently explicit in enumerating the subjects of our enquiries, it had not directed the course and order of them. A variety of considerations determined us to begin with enquiring into the conduct of the Barrack department. It was known, that its expenditure had been very great, and that its operations had been various and exceedingly extensive; and that no scrutiny had been made into its conduct, except by the select committee

of the house of commons, in the year 1797, to examine its nature; who, in their report, stated the result of their enquiry; but the result did not permit that we should form an opinion on the propriety of the regulation then conducted, or for its future conduct; therefore, it differs from the departments enumerated, as was known, too, that they, by whom the department was originally formed, and for above ten years, could consequently have made suggestions which might have been adopted; it, had been lately, of his health, to remark, that the Barrack-master-general understood, that the accounts of the office were greatly increased among the reasons for a selection of the first subject of enquiry entered on this enquiry; we wish to justify the enquiry, which have been formed, and having divided the enquiry into following heads; viz. the Barrack Office Stores; the Building Accounts;—we have ourselves to obtain information on each of these, which has been matter of satisfaction to have made such a plan, which branches, as would form a correct judgment, which relates to them, as in one report: but we felt that this could not be done. We are fully employed

statute, to obtain all the information we may think fit to require, and every document which we have hitherto wanted from the Barrack and other offices, has been readily furnished; nor have we found any unwillingness in any person whom we have examined, to answer every question which we have thought proper to propose; but we were so little conversant with some parts of the subject, (particularly with that which relates to Buildings, in which it appeared that nearly half of the great sums issued to the late Barrack-master-general had been expended,) and we sustained so considerable a check to our proceedings, in the sudden death of our active and valuable colleague colonel Beckwith, that, although we have collected a great quantity of information, we confess we have not yet obtained such a comprehensive view of the whole subject as would justify us in giving a decided opinion on the conduct which has been observed, or on the regulations which may be wanted in every branch of the Barrack department.—Having, however, made such progress in our investigation into what relates to the Accounts of the late Barrack-master-general, as to see the great embarrassment in which they are involved, and the pressing necessity of some prompt and effectual steps being adopted to accelerate their final settlement, we have thought it our duty, without interrupting our enquiries into the other branches of the department, to select, The Accounts of the late Barrack-master-general; and, The Impediments which have arisen in auditing them, as a subject which appears to us of sufficient moment to deserve an immediate and distinct report; more especially as our attention is particularly directed by the act to any delay which may have arisen in auditing the public accounts, and as those of the Barrack department are connected with transactions which call (in our opinion) for immediate notice. We might add, that these accounts embrace a period of 12 years, from 1792 to 1804, and the particulars of an expenditure to the amount of upwards of 9,000,000*l.*; that 10 years have been occupied in official discussions respecting the form and place of examination; and that the arrangements, which have been ultimately made, appear to us to be insufficient to accomplish their settlement in any moderate space of time. To detail all the circumstances connected with these accounts, will not perhaps be required of us; provided we state those

which are most prominent, and are sufficient for a correct comprehension of the subject. With this view we propose, 1. To epitomize the History of the Establishment of the Barrack department: 2. To state the mode of receiving and issuing money for Barrack services, and the balances in the hands of the treasurer and others; which will lead to some observations on the state of the Books of Account in the Barrack-office: 3. To enter into some detail respecting the immediate causes of the delay which has arisen in auditing the late Barrack-master-general's accounts; and, lastly, To suggest such measures as appear to us best calculated to afford a speedy remedy.

HISTORY OF THE ESTABLISHMENT OF THE BARRACK DEPARTMENT.

Before the present Barrack department was established, Barracks were built under the direction of the Board of Ordnance, by whom also they were supplied with bedding and utensils; but the articles which were termed Extraordinary, were under the management of the Secretary at War. This system prevailed until the middle of 1792, when the situation of public affairs induced his majesty's ministers to give orders to build, with the utmost dispatch, Cavalry Barracks in various parts of the kingdom; and col. De Lancey, then dep. adj.-gen. to his majesty's forces, was requested to undertake the arrangement of this business. Col. De Lancey accordingly proceeded to the towns pointed out, where he purchased or hired land, and settled the business so as to be executed under the care and direction of the officers commanding regiments quartered in those towns, who were to correspond with the secretary at war (sir George Yonge, bart.) on the subject, and to draw for whatever money might be necessary for the buildings; and having done this, col. De Lancey considered that he was no longer responsible for, nor connected with the business, and returned to his duty as dep. adj.-gen.—This measure of govt. was no sooner public, than applications were made from different towns for Barracks, and as these papers were referred to col. De Lancey, he made out a general arrangement of Barracks, according to the customary distribution of troops in the country, in order that govt. might judge, when applications were received for Barracks, how far it was or was not expedient to comply therewith. This plan was laid before ministers by the secretary at war

George Yonge); and col. De Lancey issued orders to carry the whole thereof to immediate execution. This happened in the early part of 1793; and from that period, orders were given from time to time for the erection of Barracks, both permanent and temporary, in various quarters of the kingdom.—Col. De Lancey, seeing that the building of Barracks was going on to a great extent, and that there were no existing regulations to govern and controul the system, required and obtained an authority for his proceedings, in a letter of service, dated Jan. 1, 1793, by which he was appointed Superintendent-general of Barracks; and on the 1st of May, 1793, a warrant was issued for their regulation.—This was the commencement of any regular arrangement respecting the new Barracks; but a more particular insight into the nature of the business convinced col. De Lancey, that further Regulations were absolutely necessary; and on the 30th of May, 1794, a warrant was issued by his majesty, countersigned by the secretary at war, in which was given more extensive authority to col. De Lancey, who was now appointed to the office of Barrack-master-general to the forces, with the pay of 2l. a day on the establishment, and 2l. extra-allowance. These powers were soon found to militate against privileges which had been granted to the Board of Ordnance, and much difficulty being thereby occasioned, it was, after some considerable deliberation, determined that a line should be drawn between the two departments; in consequence of which, a new warrant was issued by his majesty, and countersigned by one of the principal secretaries of state on the 24th of March, 1795, defining the powers of the Barrack-master-general, and those of the Board of Ordnance; under which warrant, lieut.-gen. De Lancey appears to have acted in all the subsequent transactions which he has been called upon, as Barrack-master-general, to direct or superintend.

MODE OF RECEIVING AND ISSUING MONEY.

From the time that col. De Lancey was appointed superintendant-general of Barracks, in the year 1793, issues of money for Barrack services ceased to be made to regimental agents, and were made to him as superintendant of Barracks. The mode observed in making these issues, was this: The secretary at war directed the paymaster-general to pay to col. De Lancey, or to the Barrack agent or treasurer, on his ac-

count, such sums as applied to the current service; advanced by the paymaster-general, and deducted by the secretary at war, from the warrants afterwards issued by the Barrack-master-general for specific expenditure. Afterwards, in 1794, the sums wanted for the current service, were given by the Barrack-master-general to the secretary at war, who, having in his official estimates, the charges of the army annually, directed such payments by the paymaster-general, as major-general. For by official requisition, the secretary at war's letters for these amounts, pressing that the sums to be deducted out of the current service, which shall be granted to the Barrack-master-general. This clause does not discharge the Barrack-master-general from any responsibility until the sums are granted; and these, when granted, are to be in full and tenour. But the introduction of this is not unusual, (although not of long standing,) and may be construed to imply that it is meant to be granted to the Barrack-master-general to cover the whole of the current service, under the authority of the secretary at war, which practice would have been the 23d sect. of his majesty's regulation of Barracks, in 1795; in which it is enacted that "The Barrack-master-general, from time to time, receive from the secretary at war, money for the current service upon estimates signed and delivered into the office of the secretary at war; and at the end of each year, to make up and deliver into the secretary at war, a general Account of Barracks for the preceding twelve years, with yearly accounts of the Barrack-master-general, and the accounts to whom moneys shall be paid within the period on behalf of the department, (for the propriety and accuracy of which, the Barrack-master-general shall be held responsible in strict conformity to orders,) their acquittances, shall be produced upon which the said general Account shall be passed, and warrants issued for the current service."

accordingly for our royal sign manual.—The money thus placed in the hands of the Barrack treasurer, has been drawn out either by the drafts of the Barrack-master-general, or more generally by bills (accepted according to the course of the office) drawn by various persons for services performed. The drafts of the late Barrack-master-general do not appear to have been subject to any controul, and the first knowledge which the accountant had of them, was from the treasurer's book. Of the acceptances, a register was kept in the Barrack office, by which the treasurer's book, sent weekly to the Barrack office, was regularly checked.—On the resignation of lieut.-gen. De Lancey, in Nov. 1804, many new regulations were introduced into the Barrack department by the lords of the treasury, of which we shall take notice hereafter; and, amongst others, the office of Treasurer was suppressed; since which change, the cash has been kept at the bank of England. At the period of suppression (in Feb. 1805) the treasurer had in his hands 16,814*l.* 19*s.* 7*d.* of which sum, 12,000*l.* was paid into the bank by him on 31st Dec. 1804, in pursuance of the order of the secretary at war; 2,398*l.* 2*s.* 6*d.* part of the balance of 4,814*l.* 19*s.* 7*d.* was paid into the bank on the 11th of Feb. 1806; and the treasurer informs us, that he will pay in the remaining sum of 2,416*l.* 17*s.* 1*d.* as soon as the advance of 1,465*l.* 3*s.* 9*d.* made by him for the Artificers' company at Gibraltar, shall have been repaid him.—During the time Mr. Greenwood acted as agent or treasurer to the Barrack-office, the balances in his hands on the account of the late Barrack-master-general appear to have been very considerable, varying from 10 or 20 to 50 and 60 thousand pounds, and in some instances, in 1803, to have amounted to 100,000*l.*; the accounts have fluctuated however very rapidly, and occasionally the funds have been wholly exhausted, and the treasurer in advance.—It is easy to ascertain the amount of the balances at any stated periods; but it would be a work of considerable labour to determine whether they have exceeded a just and prudent provision for the payments to be made within any limited period. We entered on this investigation, and pursued it to a certain extent; but we have not deemed it expedient to carry it through, as, whatever might be the result, it could produce no practical benefit. The Barrack-master-general, though he furnished the informa-

tion, on not inter- regulate and the to us by tage, to Barrack- while he us, howe the, serv issued in cecssity b ting the an aver monthly 65,000*l.* commens of the m lance of ture exce on the s balance of each appear in It does ti vided ex pear to l proportic balances amining hands of of ascer due from partmentil fice; but this heai ments n charged spectivel seem, th amounts subsequen entries on with the the death it requir were tot which w registers and could be lost, c any light riety of with the not hence been made vice per trary, th in this re

rack-masters have been periodically received, and, after a certain degree of examination, the balances have been paid; but the accountant of the Barrack-office thinks that all these accounts, subsequent to June 24, 1794, not already finally examined, must undergo a final examination before they can form a part of Lieut.-gen. De Lancey's accounts. Builders have received payments in proportion only as their work advanced. But the accountant himself can assign no sufficient reason for the present imperfect state of the ledgers; and the fact is, that we cannot hence learn whether any, and what, balances are due to the public, from any persons connected with the Barrack department. We are induced, however, to think, from the information we have acquired from various sources, of the course of business in the Barrack office, that (exclusive of the Treasurer) the Barrack-master-general and the agent employed in the purchase of Stores and Supplies, are the only persons to whom money has been advanced in such mode as to render it probable that it may have exceeded the service performed. The issues to this agent, and the state of his cash account, have engaged our attention, and will be noticed in a future report. He ceased to be employed in Sept. 1804, and the balance is now in his favour; yet (like others) he has received no credits in the office ledgers for articles furnished, and stands charged in them with nearly a million, being the amount of the payments made to him in the course of 10 years. There are no accounts in the Barrack-office to justify the payments to the late Barrack-master-general, and his account in the office ledgers is therefore an exception to a preceding remark, that payments have not in general been made without reference to services performed. There are, it is true, certain entries made to the credit of the late Barrack-master-general, under circumstances which the accountant has fully explained; but as the documents delivered in by the late Barrack-master-general, if such they could be called, have been withdrawn by him, the entries must be considered as of no effect; they afforded us at least no information. But, that we might ascertain the balance, if any, which was due from the late Barrack-master-general to the public, we required from him an account of the appropriation of the sum of 135,128*l.* 4*s.* 10*d.* which he admits to have drawn on his own account, from

the period of his appointment to that of his resignation, in answer to the precept of the Court. Lieut.-gen. De Lancey furnishes statements and accounts, which result in a balance due to him of 6,865*l.* 4*s.*, being so much more than he has drawn beyond the amount which was due to him; but, on review of these accounts, it appears that a much larger sum is due to him. Lieut.-gen. De Lancey's year for allowances and expenses are under three heads:—1. his pay general, and general of 2. his travelling expenses for additional employments upon unsettled accounts, on the expenditure department in each year, have been made subject to the observations which will be hereafter noticed in a separate transaction to which we allude; and it is of so important a nature, that we have been influenced by the consideration of it, to make this part of our report. Lieut.-gen. De Lancey informs us, that for this sum on account of charges, such as, "upon settling his accounts against the public;"—an entry paper on this subject feeling most acutely the weight which he has been placed upon in respect to the losses to be subjected from the time to the settlement of his accounts, and likewise from the delay in place, and which has determined the means of recovering the subordinate accounts, in order to indemnify losses which may arise from the settlement of his accounts under the necessity of the authority granted him for making contingent charges upon his contingent fund, and for the contingent charge and responsibility in justice he ought not to be subjected." Admitting that to accrue, and for the time being yet does not occur to him, Lieut.-gen. De Lancey can indemnify such losses or disallowances to himself so consistently

the public money; since this appropriation must, in passing his accounts, be disallowed equally with any other charges for which no voucher nor authority is produced. It is observable that lieutenant-general De Lancey introduced a similar charge of 1*l.* 1*s.* per cent. on the Barrack expenditure into his early accounts, submitted to examination at the War-office in 1795: which charge, from the year 1794, he justifies on the ground that the "War-office had charged him with large sums which he had never received;" and for the period previous to 1794, on the ground, that he considered his "increased responsibility to take place" from the commencement of his account." But the fact of the introduction of this charge at a time when no delay had occurred; its being afterwards withdrawn from the accounts which were passed at the War-office, (withdrawn, as he states, by himself, that "no delay might have taken place in the settlement of his accounts, by any questions arising"); and his total silence on this subject in any communications made by him to the select committee of finance in 1797, tend to invalidate the reasons adduced in its justification; and lieutenant-general De Lancey not shewing any authority for this charge, amounting to 88,923*l.*, we are of opinion that this sum should be added to his acknowledged balance of 6865*l.* 4*s.* before mentioned, and the total amount repaid without delay to the account of the present Barrack-master-general at the bank of England.—It further appears to us, that there is an error in lieutenant-general De Lancey's personal account, the correction of which will add to this balance. Lieutenant-general De Lancey takes credit for 1570*l.* 1*s.*, the amount of a warrant granted him by the War-office for his pay and allowances for the year 1793; these charges are already included in the two first items of his account, and amount to 1,626*l.* 16*s.*; which credit must therefore be cancelled, and added to the balance; making the total sum due by lieutenant-general De Lancey to the public, 97,415*l.* The appropriation of so large a sum to an unauthorised use, and especially of so great a proportion of it in the last 10 months of lieutenant-general De Lancey's holding the office of Barrack-master-general, afforded strong grounds to presume that the statements given in by the Barrack-office, on which the lords of the treasury proceeded in the issues of money for Barrack services, were not the correct

documents we should have expected them to be; and our enquiries have justified this presumption. The current services were provided for by monthly statements, and the extra or unforeseen services by subsequent requisitions or estimates; but the existing balances in the hands of the treasurer were nowhere noticed, nor was any allowance or deduction made for sums received for rent of canteens, and sale of dung, and re-payments to a considerable amount. It is obvious, therefore, how funds have been found to answer the drafts of lieutenant-general De Lancey on his personal account; and by reference to Mr. Greenwood's examination, it will be seen in what manner a part of the sums drawn by him in the years 1803 and 1804, has been appropriated. The allusion of lieutenant-general De Lancey to delay in passing his accounts, will now be more fully explained. Wherever the blame may attach, the fact is certain, the evil is great, and it is proportionably important to provide a speedy remedy.

CAUSES OF DELAY.

In conformity to the 23d clause of his maj.'s warrants for regulation of Barracks above recited, which directed the Barrack-master-general to deliver into the office of the secretary at war annually a general account of Barrack expenditure for the preceding 12 months, colonel De Lancey (then become a major-general) delivered in 1795, into the office of his maj.'s secretary at war, the accounts of his department for 1792, 1793, and to 24th June 1794. The accounts of 1792, it will be recollected, relate to a period when lieutenant-general De Lancey does not consider himself as responsible; the payments were then made by officers commanding regiments at the quarters near which the Barracks were erecting, who drew for the same on their respective regimental agents, to whom moneys were advanced by the paymaster-general, in consequence of particular directions from the secretary at war; and the introduction of these payments, viz. 48,661*l.* 7*s.* 6*d.* into the accounts of colonel De Lancey, was, by orders from the secretary at war, dated Sept. 17, 1794, without any previous communication with colonel De Lancey on the subject; and the vouchers for these expenditures were at the same time directed by the same authority to be lodged in the Barrack-office. These accounts of the late Barrack-master-general underwent a cursory examination at the War-office by Mr.

issued there, and covered by a warrant, the amount of which, viz. 1,570*l.* 1*s.* 6*d.*, gen. De Lancey received Sept. 11, 1796; and those for the following year also passed by the secretary at war, appears by his letter of Nov. 5, 1801, in which gen. De Lancey is authorized to charge the amount, being 3,515*l.* 1*s.* 6*d.*, against the moneys issued to him out of the Barrack department; but examination of the accounts for the service of the Barrack department appears to have been suspended, on the ground that these accounts, when settled in the War-office, were to be subject to the re-examination of the commissioners sitting the public accounts. We were desirous to have this matter elucidated by Gen. De Lancey himself; but on enquiry, we were informed, that the state of his health did not permit his being examined by the commissioners; and as his successor can throw no light on this subject, all we can ascertain is, that it appears in the examination of the accounts of gen. De Lancey; who therein states, "in examining of army accounts, when I was directed to close the Barrack-office accounts then before him, declined proceeding, saying, "he would not settle accounts where his operations were not clearly defined;" and here commence the delay and embarrassments in the auditing of the Barrack-master-general's accounts, which have prevailed with little alteration from 1796 to the present time. The Barrack-master-general was directed to the office of the secretary at war for settlement in that office; and in communication the auditor general than to repeat, 1796, their former demands, large sums having been advanced, it became their duty to demand the receipt of the second auditors, major-gen. De Lancey himself to the secretary at war, requesting the preceding communications, and stating that his accounts were part of the sum mentioned in the war-office, in order to conformably to his majesty's regulations under which he had acted, were to be settled; and that he might be furnished with instructions, from the office of the secretary at war, for the settlement of his accounts, as would be the case with such documents as were required, hoping that the footing of the accounts would be placed as Barrack-master-general, with respect to incurring the passing of the accounts by accountants, and the liability he should be subject to their expenditures, not clearly defined. This was done on April 5, 1796; and on the 17th of the same month the then secretary at war (Mr.

warrant for regulating the Affairs of Barracks, they excused him, for the present, under those instructions, from delivering his accounts into their office; but recommended his losing no time in delivering them into the War-office for examination in the manner stated in the warrant, and in obtaining warrants thereon, without which, they acquaint him, he must remain an insuper accountant. The requisition of the auditors being withdrawn, major-gen. De Lancey, on the 7th of July, 1796, acquainted the secretary at war therewith, informing him that his accounts, to June 1794, were already in the War-office; that those to Dec. 1794, were ready for delivery; and that those for the year 1795, were in such forwardness, that they would be delivered in a short time; pressing the secretary at war to take the necessary steps to have the accounts settled with as little delay as possible, and thereby relieve him from this great additional weight of responsibility. The secretary at war not having received (as it appears) any answer from the treasury to his letter of April 7, 1796, wrote again to their lordships on the 29th of August, 1796; but no notice seems to have been taken of these communications until March 1, 1797; when, the lords commissioners of his maj.'s treasury, on a full deliberation on the subject (as appears by their lordships' minute of that date) decided that the auditors did right in calling on major-gen. De Lancey to deliver his accounts into their office; and directed them to call on him accordingly; which the auditors obeyed in their letter of March 17, 1797, requiring major-gen. De Lancey to give in his accounts to their office before the 11th of April following. To comply with these directions, major-gen. De Lancey withdrew his accounts from the War-office, where they had remained nearly two years; and having made up his accounts as superintendant of Barracks for one year, from Dec. 25, 1792, to Dec. 24, 1793, delivered this account into the auditor's office on the 18th of May, 1797. No time appears to have been lost in commencing the examination of this account; and on the 9th of August following, the observations and queries arising thereon were sent by the auditors to major-gen. De Lancey for explanation. The major-general, thinking a conference with the auditors respecting these queries would save much trouble to the auditors, as well as to all persons concerned with his accounts, solicited and obtained an in-

terview with the board on this subject on Oct. 25, 1797; on which occasion he not only gave a personal explanation of the matters to which the queries related, but requested to lay before the board a history of the nature of the Barrack-department from its first formation, conceiving it would tend to expedite the settlement of his accounts. This detail was forwarded to the auditors on Jan. 5, 1798; and in November following, the major-gen. sent a supplementary account, explaining the mode by which the Barrack accounts were examined and settled at the Barrack-office, and describing the duties of the various officers, particularly with respect to their checking and controlling the expenditure. In May 1799, the auditors, having in the preceding April received another report from one of their inspectors, on the answers of major-gen. De Lancey to the observations and queries on his accounts, requested to see major-gen. De Lancey again on this subject. The difficulties which had hitherto impeded the examination of the Barrack accounts, appear chiefly to have arisen from doubts respecting the powers of the Barrack-master-general; and from the accounts before the auditors containing payments, for which (according to the usual practice of their office) the persons receiving the same would be declared insupers. But, understanding from the explanation given by major-gen. De Lancey at the last interview, May 3, 1799, when he stated the mode observed in his office, of examining and checking the general expenditures of his department, that his accounts for the subsequent years would consist of complete vouchers for services and expenditures examined and liquidated, the auditors, on the 8th of May, 1799, consented that major-gen. De Lancey should withdraw his accounts from Dec. 25, 1792, to Dec. 24, 1793; but they at the same time desired the major-gen. to prepare another account, including the one returned, and continuing it for as many subsequent years as he could make it up. In December 1800, major-gen. De Lancey delivered into the auditor's office his accounts made up in the new form, for the years 1793, 1794, and to 24th Dec. 1795. It may not be improper here to observe, that the effect produced on these accounts by the adoption of the mode of making them up, prescribed by the auditors, was to render major-gen. De Lancey an apparent debtor for 983,331*l.* 17*s.* 7*d.*

when, as he states, there was nothing more in the hands of the agent than what was necessary for the current service. This balance was occasioned by the rejection of all sums paid on account of services not wholly performed. These accounts were submitted to the Inspectors of the auditor's office, who, on Jan. 20, 1802, made their report thereon to the board; the purport of which was, that the queries which had arisen on the accounts when first delivered, were done away by subsequent proceedings, excepting two, relating to the commission charged by the person employed by the Barrack-master-general to purchase Barrack supplies, and the necessity of the Barrack-master-general delivering, with his accounts, a Store account. On these subjects, the auditors wrote to lieut.-gen. De Lancey on the 22d Jan. 1802. The first point appears to have been soon settled; but in regard to the Store account, the auditors, after some ineffectual correspondence on the subject, came to a resolution, Feb. 17, 1802, That, in order to enable the Barrack-master-general to pass his accounts at their office, it must be supported by a general account of the cash and stores received and issued by the several Barrack-masters, accompanied by the necessary vouchers, for which the Barrack-master-general was considered as accountable to their office. This demand of the auditors produced another conference, on the 5th of March, 1802, between the Board and the late Barrack-master-general, on the nature of the accounts expected from him, and on the degree of responsibility supposed to be attached to his office; when the board requested the lieut.-gen. to state the substance of his explanations on these subjects in writing. In May (as it appears) the Barrack-master-general's accounts had been examined in the Auditor's office, as far as they could be in the undecided state of the questions respecting his responsibility and powers; but the lieut.-gen. not having yet complied with the late requisition of the board, the auditors on the 24th of May reminded him of their wishes to receive his statement in writing, which, owing to official business, in consequence of the peace, the lieut.-gen. was prevented giving before July: on the 17th of that month, lieut.-gen. De Lancey repeated in writing the substance of what he had verbally stated at the last interview on the subject of his responsibility, and what he con-

ceived to be the duty of general, inclosing four: the manner in which the ties of his department w last conference, and th of 17th July, 1802, we effects, though some t they were acted upon. the auditors adopted th tion, which, on the month, they communi the lords commission treasury, viz. "That lieut.-gen. De Lancey" rack-master-general ha ced in their office, in lordships' minute of t proceeded on at diff board had found the m ers to be of such a natu of receiving a satisfai consistently with thos regulations which gover of the auditor's office: on, that the War-office tent to undertake an investigation of the sa muster rolls, &c. in secretary at war, and v sible to suppose he part with for examinati office, as they are daily for objects equally in same time the board nion, "that it was the i ment, in framing the gulation of Barracks accounts of the Barr should be annually mad into the office of the s his examination, as pr section thereof; that ceeding was analogous with respect to the accer of the navy, whose ned by the commissi but should their lords that the Barrack acco nutely examined, as v auditor's office, the bo they were of such magn plicated, that notwith crease of the establishr office, a speedy exami impracticable:" conclu it to be their duty to de to reconsider their mi 1797, and to signify th previously to any furth

had on these accounts in the auditor's office. Dec. 22, 1803, the treasury replied to the preceding letter of the auditors, stating, that on consideration of the subject, they thought themselves bound by the act of 25 Geo. III, c. 52. to direct, that the Barrack-master-general's accounts be examined by the auditor's board. On receipt of this letter, the auditors, Jan. 4, 1804, acquainted lieutenant-gen. De Lancey of their having, on consideration of his letter of 17th July, 1802, fully stated his case to the lords commissioners of his maj.'s treasury, but that their lordships had directed them to proceed in the examination of his accounts; which accordingly they had ordered to be prosecuted with all convenient dispatch. In consequence of this determination, lieutenant-gen. De Lancey, on 6th Jan. 1804, requested that the auditors would send back all the accounts, statements, and returns, which had been forwarded with his letter of July 17, 1802, for its elucidation. Feb. 27, 1804, the auditors, having again deliberated on the whole matter respecting lieutenant-gen. De Lancey's accounts, and on all which had passed concerning them, informed lieutenant-gen. De Lancey, first, that the accounts and returns which he requested in his letter of 6th Jan. should be returned to him; and secondly, that his accounts were under examination. They further informed lieutenant-gen. De Lancey, that they should feel it their duty to require that the accounts of the Barrack-master-general, subsequent to March 24, 1795, (the date of his maj.'s last warrant,) or so soon after that date as the warrant could be applied to the Barrack expenditure, should be examined and approved by the secretary at war, as prescribed by the 23d section of the said warrant. The auditors having at length decided that the accounts of the Barrack-master-general, for the period after March 24, 1795, were to be examined at the War-office, lieutenant-gen. De Lancey, March 6, 1804, enquired of the auditors whether it was expected that he should proceed in making up his accounts from Dec. 25, 1795, (to which period they had been sent to the auditor's office,) and deliver them into the War-office. To this letter the auditors replied, March 9, 1804; saying, that the lieutenant-gen. was to give his accounts from March 25, 1795, into the War-office, there to undergo an examination, as prescribed by the warrant, previously to their being delivered into the auditor's office. Before

the lieutenant-gen. sent his accounts to the War-office, he deemed it proper to apprise the secretary at war of the last decision of the auditors; and with this view communicated, with a letter of March 19, 1804, copies of the correspondence between himself and the auditors from July 17, 1802, to March 9, 1804. April 2, the secretary at war forwarded the lieutenant-gen.'s letter of March 19, with its enclosures, to the lords commissioners of his maj.'s treasury; who, on the 19th of April, referred the whole to the auditors for their consideration and report. The subject being thus again brought before the auditors, the board, on the 27th of April, 1804, made a special report thereon to the treasury to the following purport:—The auditors first called their lordships' attention to their report of Oct. 26, 1803; but observing that, on receiving their lordships' decisive order of Dec. 22, 1803, the board had proceeded in their examination of the Barrack-accounts; that they had perused his maj.'s warrant of March 24, 1795; and presuming, on a full consideration of the subject, that their lordships could not intend to supersede the express directions contained in the warrant under his maj.'s royal sign manual, the board had therefore requested lieutenant-gen. De Lancey to withdraw his accounts from their office, in order to their being submitted to such previous examination by the secretary at war, as was prescribed by the above warrant; yielding the most perfect obedience to their lordships' directions with regard to the ultimate audit of the Barrack-master-general's accounts in their office; that the board still retained their opinion recited in their report of Oct. 26, 1803, of the expediency of the previous examination in the War-office, which would both facilitate and render more efficacious the ultimate examination; recommending to their lordships to signify their pleasure, that the Barrack accounts should be examined under the directions of the secretary at war, previously to their being delivered for final examination into their office. The treasury, on receiving this representation, were pleased to approve of the arrangements proposed by the auditors; and on the 9th of May, 1804, communicated them officially to the secretary at war, who applied, May 11, 1804, to the auditors for an explanation of the nature of the previous examination which was recommended by the auditors, and enquiring to what objects their subsequent and final investigation

would be directed. July 27, 1804, the auditors, in answer, acquainted the secretary at war (Mr. William Dundas), that all articles in the Barrack-master-general's accounts, relating to Troops in Barracks or Hospitals, and to the receipt and expenditure of every kind of stores, should be completely examined by the War-office; and that all articles relating to the receipt and expenditure of cash should be examined by the auditors: but if any articles occurred which did not fall under one or other of these divisions, (and they were not at that time aware of there being any,) the board relied on the secretary at war's giving directions for their being examined in the War-office. Aug. 1, 1804, the secretary at war forwarded a copy of this letter to lieutenant-general De Lancey; directing the lieutenant-general at the same time to withdraw his accounts (subsequent to March 24, 1795,) from the auditor's office, and deliver them into the War-office for the purpose of being examined in the manner pointed out by the auditors: but lieutenant-general De Lancey was no sooner acquainted with this arrangement of a two-fold examination, than he objected most strongly to the measure. In a letter of Aug. 19, 1804, he represented to the secretary at war that the mode proposed was not only incompatible with the stipulations made with him under a strong and formal compact, but also impracticable; requesting, that as his majesty's warrant was ultimately resorted to, after seven years of delay, the whole of his accounts might be examined, in conformity with the instructions of the warrant under the direction of the secretary at war, who was best acquainted with the necessity and difficulties of the measures he had to execute. This remonstrance does not appear to have produced any change in the determinations of the public offices; and three months afterwards, Nov. 9, 1804, lieutenant-general De Lancey resigned the situation of Barrack-master-general, in which he was succeeded by lieutenant-general Hewett. Lieutenant-general De Lancey on this event received official directions to make up his accounts to the day of his resignation; and the assistance that was to be taken from the Barrack-office for this object, now became a subject of discussion between lieutenant-general De Lancey, his successor, and the public offices. In the mean time, lieutenant-general De Lancey withdrew his accounts from the auditor's office, and, in Feb. 1805, delivered them (as directed) into the War-office, even those prior as well

as those subsequent to March 24, 1795. So that the whole of his accounts which had been so long lodged with the auditors were withdrawn, and delivered into the War-office. Upon the Barrack accounts being again deposited with the secretary at war, it became a matter of discussion, by what means a prompt examination of them might be most effectually procured. It was apprehended that the pressure of the current business in the War-office would not allow it to undertake such an important increase of business without additional aid; but before any augmentation of the establishment was determined upon, the secretary at war deemed it advisable to enquire what progress had been made in the preparation of lieutenant-general De Lancey's accounts for the years subsequent to 1795, and when it might be expected that the same would be delivered in for examination. This application was made to lieutenant-general De Lancey, April 6, 1805; but the lieutenant-general, apprehending that the then secretary at war (Mr. William Dundas) was unacquainted with the circumstances relating to his accounts, which we have so fully detailed, communicated a statement of them to him in a letter dated April 14, 1805; at the conclusion of this letter the lieutenant-general observed, that the making up of the accounts subsequent to 1795, must depend on the information he gained from the settlement of those accounts then before the War-office; and also on the assistance the treasury might be pleased to afford him from the Barrack-office for this purpose; the extent of which the lieutenant-general fully described in his letter to the secretary at war. The discussion concerning this assistance which lieutenant-general De Lancey was to receive from the Barrack office being still continued, the secretary at war thought proper to suspend the measures which he had in contemplation respecting the examination of the Barrack-office accounts. At length, after a correspondence (scarcely less voluminous than that already abstracted) on the subject of the assistance to be afforded to lieutenant-general De Lancey in making up his accounts, it was determined by the lords commissioners of the treasury in July 1805, that the accountant of the Barrack-office (who had been in this situation from the commencement of the establishment, and who continued to act in the same capacity under the new Barrack-master-general) should, with three clerks, be employed in the business. It has been proposed, however, by

the present Barrack-master-general, and agreed to by the lords of the treasury, that anterior to Mr. Stanbank's engaging in this employment, he shall make up a portion of the Barrack-office accounts, from Nov. 10, 1804, (the day on which lieutenant-general Hewett entered on his office) to June 24, 1805. From the information thus collected, it appears that the late Barrack-master-general's accounts to Dec. 24, 1795, are now in the War-office; where, considering the examination they have already undergone in the auditor's office, it may be presumed that they might be soon brought to a settlement; but it is stated that the examination is not now proceeding, because, until lieutenant-general De Lancey can fix a time for delivering in his accounts of the succeeding years, the secretary at war cannot determine whether to augment his present establishment, or to form a separate department for the express purpose of examining the Barrack accounts. We learn further, that when the examination of any part of the accounts for the years succeeding the 24th of December, 1795, shall have been concluded in the War-office, and the accounts so examined shall have been remitted to the auditor's office for their subsequent examination, it will be indispensibly necessary to form a new department in that office also, consisting of from 4 to 6 persons, for the same express purpose; but the time when this shall happen, must certainly be very distant; for, the accountant, Mr. Stanbank, tells us, (in which he is confirmed by lieutenant-general Hewett,) that the accounts of the present Barrack-master-general to June 24, 1805, cannot be completed before the spring of the present year,* until which event, he is not to be permitted to undertake the arrangement of those of the Barrack-master-general; and he apprehends that it will require perhaps three if not four years for himself, and two or three efficient clerks, to arrange and put them into form fit for official examination.

MEASURES PROPOSED FOR A SPEEDY SETTLEMENT OF THE ACCOUNTS.

Such is the history of the accounts of the

* On the 17th March, 1806, the commissioners received a letter from lieutenant-general Hewett, informing the board, that Mr. Stanbank had finally examined the several Barrack-masters' accounts under his inspection, and had removed to the office provided for the purpose of settling the accounts of lieutenant-general De Lancey, in which duty he was to be exclusively employed from that date.—See Appendix, No. 69.

late Barrack-master-general's accounts, and the waste of time and money on these accounts, and the obvious necessity of further investigation into these accounts; and the necessity of such delay being our duty to suggest a mode of remedying these deficiencies. The accounts so collected are the subject of our difficulty we have no mode of procuring them; but it is fit that we should of the mode of settling lieutenant-general Hewett's accounts by a reference to the receipt of supplies, and accounts, of the receipt and disbursement of money were no other mode of settling the accounts and delay alone in the present; for the future, and the accounts (even in general's own hands) the infirm and speedy investigation is extremely desirable as for the sides, we are in a circumstance the auditor's accounts now satisfied that peculiar circumstances relating to them and supplies; the examination of the auditor's accounts; and we these accounts of authority and discretion of the master-general's nature in the accounts before the au-

persons not invested with powers specially applicable to this case, will be constantly checked in their progress, and will be often compelled (greatly to the delay of their proceedings) to resort to higher authority for directions.—It is no trivial objection to the mode proposed by the auditors, of passing these accounts, that the very numerous vouchers attendant upon them must be removed, first to the War-office, and then to the office of the auditors; and that the accountant of the Barrack-office, who is to be employed at that office to arrange these accounts, is considered by the late Barrack-master-general as the only person competent to afford the explanation which will be required for their elucidation. Lieut.-gen. De Lancey is, as has been already stated, dissatisfied with this divided examination determined on by the lords of his maj.'s treasury; and on the whole, we cannot consider it as an adequate remedy for the evils produced by ten years of indecision and delay. Under these circumstances we have no hesitation in recommending a reference of lieut.-gen. De Lancey's accounts to some persons specially appointed to investigate them, with powers adequate to that object. What we have to suggest, nevertheless, must be considered as applicable only to the particular accounts under consideration, (viz. the accounts from Dec. 24, 1792, to Nov. 10, 1804.) which, from the circumstances we have already detailed, have become so much in arrear, as to make it almost a matter of necessity to deviate from the usual forms of passing them, however well adapted such forms may be to the passing of the current accounts of the Barrack-office.—It will be seen, from what we have already stated, that the ledgers and accounts of the Barrack-office are not yet in a state to be examined by any board, to whose final inspection they may be referred. The accounts of the several Barrack-masters, and the other sub-accounts, are the documents from which the ledgers must be made up; a small part only of these has as yet undergone a final examination by the accountant, and this examination is stated by him to be requisite, before the items of which they are composed can be inserted in lieut.-gen. De Lancey's accounts, and the sub-accounts brought forward as his vouchers. When this work shall have been completed, and lieut.-gen. De Lancey's accounts shall have been made up and delivered in, these sub-accounts, as the

vouchers on which he is to be held, must in course be sent to whom the final audit is to be committed; if this be not done, the audit will be at least, the assurance useless; if it be not done, it is gone through twice, the most important examination until the previous period for which a period of time has been stated (as served) to be necessary, therefore of great importance. The plan we suggest to the passing of these accounts, by coming to the great operations of passing and final audit. View we for some time had to have recommended for this purpose to the authority of the lords, invested with either direct powers for deciding for the expenditure; such a measure should other means can be found, in a case where a deviation from accuracy has since occurred, powers already exist in the persons of his maj.'s treasury, without having extraordinary interference. This indeed will be a consideration of the of re-considering the May 9, 1804, and of directions in lieu thereof. That the establishment by the lords of the purpose of completing the accounts, shall be in direction and controul be appointed by the secretaries, the concurrence of the lords, for the purpose of the accounts.—That these persons proceed with that examination of the sub-accounts of the general late Barrack-master-general, we conceive they will be sent to ascertain, 1. that the surer) has charged him issued for the Barrack-master of the forces; 2. the instrument by which he has been placed to the d

The committee also recommended that, in future, no account should be submitted by the secretary at war until it was allowed by them. The Finance's accounts to the

must be made, whenever these ac-
ts are taken, or by that officer, and the
Barrack-master-general of the said Barrack has
directed that a large addition to their
fishment would be requisite, when
the Barrack-master-general's accounts
are brought forward. Now we are
sensible that if the persons recommended
by us to be appointed to execute this
entire duty, could sit in or adjoining
the Barrack-office, and that the surveyor,
instant, and the clerks assigned for
bringing forward the late Barrack-master-
general's accounts, were to be put wholly
out of countenance from this single establish-
ment, might do all the business, provided
persons selected be conversant with
the accounts, and able and willing them-
selves to assume a proper portion of the
burden.—Should the proposal which we
submit, as the best means we can
devise to extract the late Barrack-master-
general's accounts from their present em-
placement, be approved of, it would be
at the Lord-commissioners of his maj.'s
treasury should recommend to the auditors
of the public accounts to suspend all pro-
ceedings in respect of the imposts to the
Barrack-master-general, returned by
the pay-master-general of his maj.'s for-
ce, and to the secretary at war to procure
his maj.'s warrants to cover those sums
which shall be from time to time ex-

acted, by means of the
the clerks of the work
added to, the means
for the directions of
other documents, the
and checked in the
ment of the office, wh
Barrack-master-general
surveyors certify that
be said.—From circu
it is not our present p
remark, the settleme
great arrears; not one
buildings erected in lie
time have yet been s
cases they have not yet
builders. This matter
attention of the Lord-c
his maj.'s treasury; for, in
Huskinson to the pres
general, a few days ag
to the office, he is dire
things, to make payme
contracts entered into
if, according to the ter
and the regulations an
the Barrack-office, the
to be entitled to the sa
difficulty might arise to
the mode of accounting
their lordships were pl
fect that as often as
should be certified con

the accounts.—Lieut.-gen. Hewitt, at the present time, is not satisfied with these directions as the commandant's responsibility cannot be made on office, will not be satisfied under the authority of the superior. He conceives, however, that he should be required to submit his accounts before the auditors, and to be called upon by them to produce the building account itself, as a document to show that the balance he has considered correct is due to the builder: this would, so, in which case the duty of the auditors to examine the accounts, and the whole circumstances, and would excessively very much delay the settling of his proper accounts, and might even subject him to a responsibility for the allowances in such account, although it really to fall on Lieut.-gen. De Lancey. He proposes, therefore, in a letter to the treasury, in order that the accounts of any buildings undertaken or completed under the orders of his predecessor, might at one view undergo investigation, that the lords commissioners of his majesty's treasury should direct Lieut.-gen. De Lancey to state in his accounts those payments as made by him (Lieut.-gen. Hewitt) but to be nevertheless inserted in his (Lieut.-gen. Hewitt's) account to be examined by the auditors. Lieut.-gen. De Lancey, however, in Sept. following, informs Lieut.-gen. Hewitt, that in making up his public accounts, he shall include all charges paid on account of buildings, and consider the certificates of the surveyors on the progressive payments, accompanied by the receipts of the parties, as his vouchers, and that consequently he cannot be considered as responsible for the final settlement of these accounts.—In this disagreement between the late and present Barrack-master-general, it is, no doubt, difficult to suggest what may be at the same time satisfactory to them, and be a sufficient security to the public; but we propose, in order to obviate the delay which the present Barrack-master-general fears would arise in passing his proper accounts before the auditors, if he is obliged to produce the building accounts settled in the office as part of his vouchers for the payment of the balance ordered by the lords commissioners of his majesty's treasury, that their lordships do reconsider their former instructions on the subject, and direct that their order for the payment of the money to the person named, with his receipt in full, should be the vouchers on which such payments shall be allowed by the auditors in the account of

Office of
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